



### **Ethics Committee**

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#### **Time and Date**

10.00 am on Thursday, 20th February, 2014

#### **Place**

Diamond Room 1 - Council House

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#### **Public Business**

1. **Apologies**
2. **Declaration of Interests**
3. **Minutes** (Pages 3 - 4)
  - (a) To agree the minutes of the meeting held on 30 August 2012
  - (b) Matters Arising
4. **Annual Report by the Committee for Standards in Public Life** (Pages 5 - 46)

Report of the Assistant Director (Legal and Democratic Services)
5. **Code of Conduct - update** (Pages 47 - 74)

Report of the Assistant Director (Legal and Democratic Services)
6. **Draft Work Programme for the Ethics Committee** (Pages 75 - 82)

Report of the Assistant Director (Legal and Democratic Services)
7. **Appointment of Independent Person** (Pages 83 - 86)

Report of the Assistant Director (Legal and Democratic Services)
8. **Any other items of public business which the Chair decides to take as matters of urgency because of special circumstances involved**

#### **Private Business**

Nil

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Chris West, Executive Director, Resources, Council House Coventry

Wednesday, 12 February 2014

Note: The person to contact about the agenda and documents for this meeting is Gurdip Paddan 024 7683 3075

Membership: Councillors A Andrews, C Fletcher, D Gannon, P Hetherton (Chair) and K Mulhall

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting OR if you would like this information in another format or language please contact us.

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## ETHICS COMMITTEE

30<sup>th</sup> August, 2012

Members Present: - Councillor A. Andrews  
Councillor P. Hetheron (Chair)  
Councillor D. Kershaw  
Councillor K. Mulhall

Employees Present: - C. Forde (Finance and Legal Services Directorate)  
G. Paddan (Customer and Workforce Services Directorate)

### **1. Apologies**

There were no apologies submitted.

### **2. Declarations of Interest**

There were no declarations of interest.

### **3. Approval of Complaints Protocol**

The Committee considered a report of the Monitoring Officer, attached to which was the new Complaints Protocol that detailed the resolution procedure of a member complaint. The report sought approval of the Complaints Protocol.

It was noted that the former ethical standards regime under the Local Government Act 2000 had been abolished on 1<sup>st</sup> July, 2012 and a new regime for both the conduct of elected members and the way in which complaints against such Members would be dealt with was introduced.

The Committee was advised that all councils had a duty to adopt a Code of Conduct for its Elected and Co-opted members and that they must have in place arrangements under which allegations could be investigated and decisions on allegations could be made. Coventry City Council adopted its Code of Conduct at the Council meeting on 3<sup>rd</sup> July 2012.

The new arrangements detailed in the Appendix would, as far as possible, avoid some of the administrative weight associated with the previous arrangements for assessing complaints. Following consideration of the report, the Committee proposed amendments to sections under 'Pre Hearings Procedure' and 'Procedure at the meeting of the Ethics Committee'.

A discussion ensued in respect of submitting a response and it was agreed that the sections be amended to take into account the proposals raised at the meeting. It was further agreed that the Monitoring Officer would liaise with the Chair to agree any amendments to the Complaints Protocol.

**RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting the Complaints Protocol be approved, subject to the amendment being agreed with the Chair in consultation with the Monitoring Officer.**

**Post minute note:** The following amendments were agreed with the Chair in consultation with the Monitoring Officer:

Under section 2 (Consequences of an Informal Resolution) the following was deleted:

*If the Complainant refuses to engage with the process, then the complaint will be regarded as closed with immediate effect.*

Under section 3.3 (Pre Hearing Procedure) the following was inserted:

*Only in exceptional circumstances will any late documentation be considered as determined appropriate by the Chair of the Committee or the Ethics Committee as appropriate in consultation with the MO and/or IP as appropriate.*

Section 5.11 was inserted under 'Procedure at the meeting of the Ethics Committee':

*In exceptional circumstances the Ethics Committee may adjourn the hearing to later the same day or a future date.*

#### **4. Any Other Public Business**

There were no other items of public business.

(Meeting concluded at 3pm)



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20<sup>th</sup> February 2014

**Ethics Committee**

**Executive Director Approving Submission of the report:**  
Executive Director, Resources

**Ward(s) affected:**  
None

**Title:**  
Standards in Public Life

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**Is this a key decision?**  
No

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**Executive Summary:**

This report is to outline the matters raised in the Annual Report for 2012-2013 of the Committee on Standards in Public Life to inform the Ethics Committee of relevant matters of concern in their work area on a national level.

**Recommendations:**

The Ethics Committee is recommended to

1.1 note the content of the report;

1.2 direct the Assistant Director, Legal and Democratic Services to continue to monitor the national picture as regards standards and report back on any issue which may be of significance to the Council on a local level.

**List of Appendices included:**

The Annual Report of the Committee on Standards in Public Life 2012-2013

**Other useful background papers:**

The Fourteenth report, Standards matter; A review of best practice in promoting good behaviour in public life – available at <http://www.public-standards.gov.uk>

Report of the Triennial review of the Committee on Standards in Public Life- available at <https://www.gov.uk/government/publications/committee-on-standards-in-public-life-triennial-review>

The Fifth Biennial Survey key findings document – available on <http://www.publicstandards.gov.uk/our-work/public-attitude-surveys>

**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

## **1. Context (or background)**

1.1 The Committee on Standards in Public Life ('the Committee') was set up in 1995 and its current terms of reference are 'to examine current concerns about standards of conduct of all holders of public office.... and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life....'.

Whilst it is a national body, having an overarching concern about public standards, its views and recommendations can be taken in account by local government and other organisations delivering public services when designing, implementing and monitoring their own ethical standards regime. The Committee has undertaken and been involved in 3 key pieces of work in their financial year 2012-2013 (to which this report relates)

- the production of the Fourteenth Report 'Standards matter: A review of best practice in promoting good behaviour in public life',
- participating in the Government's triennial review of the function and work of the Committee
- undertaking the fifth biennial survey of public attitudes to conduct in public life

This report focuses on those elements of the first piece of work, as well as setting out those matters raised in the Annual Report 2012-2013 ('the Annual Report'), which relate specifically to local government standards.

## **2. Options considered and recommended proposal**

2.1 The Committee's main work this year has been the production of its Fourteenth Report, reflecting on the all the work the Committee had undertaken since 1995. An integral part of this was to look again at the Nolan Principles, first established in the Committee's First Report, and to try to determine to what extent these were understood and were of modern day relevance. The Committee concluded that whilst some of the Seven Principles were widely understood and resonated closely with public expectations, the principles as a whole were not being upheld and implemented in the day to day business of many organisations.

As a result of this finding, the Committee has concluded that the Seven Principles should be retained as they are, but the descriptors attached to each one should be clarified and an explanatory preamble added. This amended version appears at the start of the Annual Report which is attached as Appendix 1 to this report. The Seven Principles are already part of the Council's Code of Conduct for Elected Members, and whilst the views of the Committee are to be noted, it is considered that the current version of the Code of Conduct does not need revising to take account of the recommendations in the Annual Report.

2.2 The Committee concluded that whilst procedures and policies are in place in many organisations to support high standards of conduct, these are not uniformly upheld and in particular are not yet accepted and understood as matters of personal integrity and responsibility. It suggests a number of ways of achieving change to improve understanding and more importantly compliance with ethical behaviour. These include self measurement against best practice as a matter of routine, inclusion of reports of ethical behaviour in

practice as regular items of board agendas, development of ethical frameworks wherever public services are being delivered and robust investigation to deal with wrong doing.

- 2.3 In its Strategic Plan for 2012-2015 the Committee identified priority areas for future investigation. This included a review to follow up a previous inquiry as to how the new system introduced by the Localism Act 2011 was being implemented and whether it was delivering its objectives. The Committee considered that the local ownership element of the new standards regime would be highly dependant on local leadership and example, and where the political landscape locally was not balanced; there would be more likelihood of ineffective regimes. The Committee also expressed concern about the lack of effective sanctions where poor behaviour had been detected; censure and criminal prosecution for failing to declare a relevant interest were regarded as being insufficient. Whilst the Committee recognised that a political party's internal disciplinary procedure could still be applied and may have some effect on the elected member, it concluded that this method of punishing poor ethical behaviour, along with only two other sanctions, were not transparent enough for the public to have confidence in new local arrangements. Additionally the Committee felt the new local regimes whereby an independent person's views were taken in account, but were not determinative of poor ethical behaviour, compared badly with the previous framework whereby allegations were dealt with by standards committees independently chaired by persons not elected.
- 2.4 As a result of these concerns, the Committee has identified local government standards as one of its twelve outstanding risk areas, which need to be actively addressed to avoid further damage to public confidence. The Committee has stated its intention to keep a watching brief over the impact of the new local regime, and to investigate further if it considered it necessary.
- 2.5 At this stage, it is not recommended that the Ethics Committee take any action as a result of the Annual Report, as it is considered to be indicative of a national picture and reflects known concerns with regard to the Governments' new local regime. However the Ethics Committee could direct the Assistant Director, Legal and Democratic Services to continue to monitor the work of the Committee and report back on any developments which may be of significance to the Council.

### **3. Results of consultation undertaken**

- 3.1 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**

- 4.1 Not Applicable

### **5. Comments from Executive Director, Resources**

#### **5.1 Financial implications**

There are no specific financial implications arising from the recommendations within this report.

#### **5.2 Legal implications**

The Council's current standards regime complies fully with the Localism Act 2011. However, the implications of the Annual Report are that the Ethics Committee may wish to consider a review of how the Code of Conduct is operating at local level, with a view to providing information to the Committee on Standards in Public Life and/or further making



recommendations to Full Council about changes to the Complaints Protocol or Code of Conduct.

**6. Other implications**

None

**6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

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, but the Ethics Committee may wish to consider the wider impact of the damage to public confidence in the elected membership of the Council if the ethical standards framework is not perceived as transparent and effective.

**6.3 What is the impact on the organisation?**

There is no immediate impact on the organisation, but this may be reviewed in future should the Ethics Committee wish to engage further with the Committee on Standards in Public Life as a formal exercise.

**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) the environment**

None

**6.6 Implications for partner organisations?**

None

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**Directorate:** Resources

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Director: Name	Chris West	Resources	6.12.13	10.12.13
Members: Name	Councillor Hetherton	Elected Member	6.12.13	11.12.13

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## **Appendix 1**

Annual Report 2012-2013

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# **Annual Report 2012-13**

**Committee on Standards  
In Public Life**

**August 2013**

# THE SEVEN PRINCIPLES OF PUBLIC LIFE

The Seven Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The Principles also have application to all those in other sectors delivering public services.

## SELFLESSNESS

Holders of public office should act solely in terms of the public interest.

## INTEGRITY

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

## OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

## ACCOUNTABILITY

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

## OPENNESS

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

## HONESTY

Holders of public office should be truthful.

## LEADERSHIP

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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## FOREWORD

As the incoming Chairman of the Committee on Standards in Public Life, it is a pleasure to thank the outgoing Chairman, Sir Christopher Kelly for his work. To take but one example, the Northern Ireland (Miscellaneous Provisions) Bill introduced in the Commons on the 9 May 2013 allows for transparency in donations and loans to political parties, as well as ending the practice of members of the Northern Ireland Assembly holding dual mandates to sit concurrently in the Northern Ireland Assembly and the House of Commons. This broad approach reflects the work over recent years of both Sir Christopher Kelly himself and the recommendations of the Committee.

This September the Committee will be holding an evidence gathering seminar on lobbying reflecting the concerns of the Committee about unequal access to decision makers and inadequate transparency. The Committee intend to make recommendations to inform and complement the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill. I would like to thank David Prince, the interim Chairman, for taking this work forward, for holding the fort since the end of Sir Christopher's term of office and for giving me much helpful advice.

The current context of the Committee's work is very much set out in the recent Triennial Review carried out by Peter Riddell of the Institute of Government. The Government has, in substance, accepted the Review and in doing so recognised the valuable role played by the Committee and the evolving nature of the issues it tackles. As elsewhere in Whitehall, there will be a significant reduction in the budget and certain aspects of the Committee's work will not be carried on as in the past. The Triennial Review also asked the Committee to be more strategic in its practice and look ahead to emerging problems. This is a serious challenge but it is one that has to be accepted. It remains the case, however, that the best work of the Committee has involved the building up of consensus based on substantial research. This is likely to be the case in the future as in the past.

The truth is that we frequently read in the media stories in which, for example, conflicts of interests appear to be significant. The principles of the Committee - selflessness, integrity, objectivity, accountability, openness, honesty and leadership - remain as pertinent as ever. It is my view, as Chairman, that the Committee's work in the past has been most effective when it has stayed close to these principles. In the future I would hope to maintain the best of this tradition.

Paul Bew



## INTRODUCTION

1. The Committee on Standards in Public Life has wide terms of reference.

**“To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life and to review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.”<sup>1</sup>**

2. The Committee fulfils this role partly through its formal inquiries. In addition, we routinely monitor and consider issues and concerns relating to standards in public life, track public perception of standards of conduct of public office holders and seek to promote the Seven Principles of Public Life. We contribute to public policy development through meetings, seminars, research, speaking engagements, and by responding to consultation papers on relevant issues.
3. This report provides an overview of the Committee’s activities over the course of the financial year 2012/13. The Committee’s main project in this year has been to produce its Fourteenth Report, *Standards matter: A review of best practice in promoting good behaviour in public life*. This report aimed to analyse what has been shown to work best in promoting high standards and to take stock of current areas of risk. The project was launched in May 2012, and the final report was published in January 2013. The Committee also carried out its fifth biennial survey of attitudes to standards in public life, the results of which will be published in September 2013.
4. A triennial review of the Committee was carried out this year, the report of which was published by the Government in February 2013. As a result, on 5 February 2013, the terms of reference of the Committee were clarified in two respects: ‘...in future the Committee should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies’ and ‘...the Committee’s remit to examine “standards of conduct of all holders of public office” [encompasses] all those involved in the delivery of public services, not solely those

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<sup>1</sup> Hansard (HC) 25 October 1994, col. 758, Hansard (HC) 12 November 1997, col. 899 and Hansard (HC) 25 October 1994, col 758

*appointed or elected to public office.*<sup>2</sup>

5. Following an open competition, Lord Bew has been appointed the new Chair of the Committee effective from 1 September 2013. His term of office is for five years and is non-renewable. Following the end of Sir Christopher Kelly's term on 31 March 2013, David Prince served as interim Chair until 31 July 2013.
6. The appendices to this report provide detail about the structure and finances of the Committee.

## OVERVIEW OF ACTIVITIES

### General Overview

7. This year we reflected on what has been achieved since the Committee's first report in 1995. We asked ourselves whether the task was completed and, if not, what more still needs to be done. We found that while many of the original "Nolan Principles" - such as integrity, accountability and openness are widely understood and resonate closely with public expectations - the principles as a whole were still not being lived out everywhere in spirit as well as letter. There needed to be more active implementation and embedding within the day to day business of many organisations.
8. More disturbingly, the year's news was dominated by stories of governance failures and other inappropriate behaviour in institutions previously enjoying high levels of public trust and confidence, and by the failure of leadership in others, both private and public, to inculcate a culture of high standards in tune with public expectations. Many instances have involved deliberate attempts to get around codes of practice and conduct, and in some cases there are allegations involving covering up, concealment and even criminal activity. Moreover, when some individuals attempted to raise ethical issues or standards concerns they were prevented or inhibited from raising those concerns internally or speaking out on issues in the public interest.
9. So, while much of the infrastructure is now in place to support high standards – statements of principles, codes of conduct, independent scrutiny, and while standards of behaviour have improved in many areas of public life, high standards are still not yet understood everywhere as a matter of integrity and personal responsibility. Recent lapses have occurred not because individuals, often in key leadership roles, have been unaware of their responsibility and of what

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<sup>2</sup> Hansard (HC) 5 February 2013, col. 7WS

the public expects but because they did not find it expedient.

10. We are in no doubt that standards of behaviour in many areas of public life have improved since this Committee first reported in 1995, but there is still much to do and the evidence gives no grounds for complacency. New situations continually arise which raise new standards issues. Responses to standards issues often come too late and only in response to public scandals which by then have damaged public trust and confidence.

## Review of best practice

11. It is 18 years since the Committee published its First Report in 1995. We thought it timely to look, in our Fourteenth Report, at what had been achieved over that period and what had worked best in practice to promote high standards of conduct within regulated public organisations and regulators. Alongside this we looked afresh at the Seven Principles of Public Life and the language used to describe them and at levels of public confidence in public sector institutions. The report was published as *Standards matter: A review of best practice in promoting good behaviour in public life* in January 2013, along with the report of the focus group research that supported it. We highlighted a number of outstanding areas of risk that still need to be addressed.
12. The review was carried out using four strands of research:
- A review of a number of reports produced since 1995 by this Committee, the Public Administration Select Committee and other bodies looking at standards issues.
  - An invitation to the public to contribute their views, including through a blog on the Committee's website.
  - A number of focus groups examining public attitudes towards the ethical standards of public office-holders and factors affecting their trust in public organisations and office-holders.
  - A series of seminars with invited participants from across the UK exploring issues relating to ethical regulation in specific spheres of public life. The subjects of these seminars included the Westminster and devolved legislatures, central government and the civil service, local government, the wider public sector, private sector organisations delivering public services and the media. The Committee also visited Belfast, Edinburgh and Cardiff to hold discussions with those involved in standards issues in those legislatures.
13. We clearly saw that in many areas standards of behaviour in public life had improved. Nonetheless there continued to be grounds for concern. The report reached four main conclusions to address

these, supported by eight recommended best practice points, as follows:

- We re-emphasised the point that the basic building blocks for promoting high standards remain much as identified in the Committee's First Report: a set of broadly expressed values which everyone understands, codes of practice elaborating on what the principles mean in the particular circumstances of an organisation, effective internal processes to embed a culture of high standards, leadership by example and proportionate, risk-based external scrutiny.
  - To put this into effect, all organisations need to actively review how well they measure up to best practice in ethical governance as a matter of routine. It is important to consider all those factors affecting individual behaviour, including recruitment processes, appraisal and reward structures, leadership and contemporaneous prompts to good behaviour alongside formal codes and sanctions for poor behaviour.
- The need now is not for more rules and stricter regulation so much as for standards to be addressed actively at organisational level. High standards should be seen as everyone's personal responsibility, but it should be recognised that personal behaviour is shaped by organisational culture. With this in mind high standards need to be positively driven by leadership and example.
  - Ethical issues should feature regularly on the agendas of the boards of public bodies and, where appropriate, on risk registers. All such boards should as a matter of course monitor standards of behaviour throughout their organisation, either directly or through their audit and risk committees.
  - Those in leadership positions of all organisations delivering public services should take personal responsibility for ethical standards in their organisations and certify annually in their annual report or equivalent document that they have satisfied themselves about the adequacy of their organisation's arrangements for safeguarding high standards.
- New ethical risks are being created by the development of new models of service delivery. There is a growing area of ambiguity occupied by people contracted to deliver public services who may not be public office-holders. We strongly believe that the ethical standards captured by the Seven Principles should also apply to such people.
  - In all cases where new methods of delivering public services are being created, commissioners and providers should give careful thought to the mechanisms necessary to maintain expected high standards of behaviour and promote the principles of public

life.

- Public servants designing and commissioning services should, in a consistent and proportionate way, address ethical issues throughout the procurement process. Contractors and others should acknowledge the particular responsibilities they bear when delivering public services, paid for by public money, to individuals who may not have the choice of going elsewhere.
- Where powers to regulate standards are devolved to promote local responsibility and leadership, care should always be taken to ensure that there is independent scrutiny, that the results of such scrutiny are made publicly available and that those who have responsibility for imposing sanctions have adequate legal or other powers to do so.
- Low and declining levels of confidence in the integrity of public institutions remain a matter of concern. While trust is a complex phenomenon, there is scope for trying to increase the confidence of the public in public office-holders and public institutions by addressing the outstanding standards issues identified in this report and by being more attentive to, and active in, addressing emerging issues rather than waiting until the pressures for reform become irresistible.
  - Public office-holders and organisations should seek to improve their own trustworthiness by establishing and promulgating robust mechanisms for detecting and dealing with wrongdoing, increasing public understanding of their role, and creating a culture which harnesses the power of the media to promote high standards and deter or expose misconduct.
  - There is at present a need to address certain areas of ethical risk in public life identified in the report (see further detail in standards check and outstanding risks set out below), and this should be done before they undermine public confidence.

14. As well as these conclusions and best practice points, the report re-examined the Seven Principles of Public Life, first established in the Committee's First Report, from the point of view of their modern relevance and applicability. We concluded that the Seven Principles should be kept as they are, but the brief descriptors appended to each one should be clarified and an explanatory preamble added. The updated text appears on the inside front cover of this report.

15. The Committee is monitoring and promoting the continuing impact of the review.

## Fifth biennial survey

16. During 2012–13 the Committee carried out its fifth biennial survey of public attitudes to conduct in public life. We have conducted these surveys since 2004, in order to analyse the standards of behaviour the British public feel public office holders should be kept to, the extent to which these standards are believed to be upheld, and the perception of how well the systems put in place to enforce them are operating.
17. The survey carried out in 2012 maintained many of the core questions from earlier surveys. This allowed us to observe several continuing trends. For example, over the lifetime of the survey, specifically there has been a continuous and substantial decline of the percentage of respondents rating standards as “quite high” or “very high”, while the percentage of respondents rating standards as “quite poor” or “very poor” has steadily increased. Over the five surveys, public perceptions of whether a range of professions in the public domain can be trusted to tell the truth demonstrate consistent relative ratings: High Court Judges and Senior Police Officers score highly, while tabloid journalists, government Ministers and MPs, in general score poorly. When these findings are compared with other British and European data, it seems levels of trust in these professions are not especially low, except in comparison with the Netherlands and Scandinavia. Moreover the evidence suggests that low levels of stated trust may be accompanied by much higher and rising levels of confidence in institutions, such as the legal system.
18. Overall the survey is able to show that there is a deeper and more complex pattern of public attitudes to standards in public life than is generally recognised by public opinion research. In broad terms, drawing on a number of distinct areas of evaluation, a majority of the population express positive attitudes towards standards in Britain. Nonetheless, the proportion of people who feel positively has changed dramatically over time. In particular, positive evaluations increased steadily from 2004 to 2008 (from 62% of the population to 82%), followed by a collapse in 2010 to 55%, and with only a relatively minor recovery in 2012 (59%).
19. The survey also introduced several new questions, with the aim of broadening the examination of public expectations and beginning to explore how far these increasingly negative expectations are connected to people’s expectations of others who are not public office-holders. Key findings to have emerged include:
  - There is a widespread belief by the public that they will receive fair treatment from a range of public services.

- The public have more confidence in the probity of relatively junior front line staff – in terms of putting the public interest first, owning up to mistakes, and in being held accountable for mistakes – than in that of more senior managers.
  - The public believe that they personally are more likely than people in public office to act with probity in given situations.
  - There is support for the use of external scrutiny and audit mechanisms and the development of a strong internal culture fostering standards and openness as a means for improving professional integrity and increasing confidence in public institutions. However, the use of financial incentives is not favoured.
  - In the latest survey there has been some diminution of confidence in the authorities' commitment to upholding standards. Over the five surveys confidence that the media will uncover wrongdoing has also declined.
20. The evidence suggests that public responses to events and to their reporting can become more negative or positive. This demonstrates that confidence in public standards is not a fixed feature of British society that shows inevitable long term decline, but a feature of the British political scene that is influenced by events. This suggests that the public's perceptions of standards in public life can be repaired as well as damaged. It is therefore all the more important that high standards of behaviour are understood as a matter of personal responsibility, embedded in organisations and actively and consistently demonstrated, especially by those in leadership positions.
21. The results of the survey will be published in September 2013. Following a recommendation made in the Triennial Review of the Committee (see below), this will be the last time that we carry out the survey, but we believe it has been a useful longitudinal survey and hope that other organisations continue to use the data and to monitor developments. The Committee is considering with its Research Advisory Board how best to monitor the trends we have studied as they develop in future.

## **Triennial Review**

22. In September 2012 the Minister for the Cabinet Office announced the start of a Triennial Review of the Committee, now a requirement for all Non-Departmental Public Bodies. The review, carried out by the Rt Hon Peter Riddell CBE, was chiefly based on written evidence received in response to a call for submissions and personal consultations. It was carried out over approximately six months, and reported in February 2013.

23. The primary function of the review was to judge whether there was a continuing need for the Committee to exist. The review concluded that *“There is a continuing need for an ethics monitor/reviewer.”*
24. The review also included a number of recommendations relating to the Committee’s strategy and working practices, including the cessation of the Committee’s biennial survey of public attitudes to allow the resources to be diverted elsewhere, the reduction of the membership of the Committee from ten to seven, and the production of more frequent, briefer reports with less reliance on public hearings and more use of seminars.
25. The Government issued a Written Ministerial Statement on 5 February 2013 stating that it broadly accepted the recommendations made in the review. It also clarified two points in the Committee’s terms of reference, as detailed in paragraph 4, above. The Committee is grateful for the detailed work put into the review, and will bear its recommendations in mind when considering its future work.

Following the Triennial Review, the secretariat has been reduced to three and like most public bodies our budget continues to follow a downward trajectory from £504k in 2012-13 to £400k in 2013-14. Our reduced resources will necessarily affect the ways in which the Committee is able to fulfil its terms of reference. We will need to prioritise the ethical risks we identify carefully and focus our work accordingly.

## **Strategic Plan 2012–15**

26. In October 2012 the Committee published its strategic plan 2012–15. This set out our vision for our work over the next few years and we hope it will increase public knowledge and understanding of our work. As well explaining how we will set our priorities and monitor ethical standards across public services, the plan also identified the priority areas the Committee may choose to investigate in future such as:
- The maintenance of appropriate ethical standards within an increasingly mixed economy with greater involvement of the private and voluntary sectors in delivering public services.
  - Ethical standards in the police, including Police and Crime Commissioners.
  - Local Government standards, following up a previous inquiry to review how the new system introduced by the Localism Act 2011 is bedding down and whether it is delivering its objectives.



27. The plan is available on the Committee's website.

## Online engagement

28. As part of its public consultation of best practice, the Committee ran a blog from September to October 2012, with contributions from Committee members and guest bloggers and the facility for members of the public to respond. The Committee also launched a Twitter feed in September 2012. We intend to build on this work over the coming months within available resources, to develop a cost effective online engagement programme.

## STANDARDS CHECK

### Party funding

29. The Committee is disappointed not to have seen any significant progress made in dealing with the problems in party funding it identified in its Thirteenth Report<sup>3</sup>. On the 4 July 2013, the Deputy Prime Minister made a Written Ministerial Statement on the Funding of Political Parties confirming that discussions convened following publication of the Committee's Thirteenth Report had reached no agreement. This is despite all three of the main political parties making manifesto commitments to take the big money out of party funding, and funding reform being part of the Coalition Agreement. The Committee appreciates the political difficulty of aspects of the proposed reforms, but nonetheless we feel it is time to act. The current party funding arrangements foster suspicion and distrust among the public. It is essential that political parties obtain funding in ways free of suspicion that donors receive favours or improper influence in return.

30. The main recommendations of the Thirteenth Report were the introduction of a cap on donations from individuals or organisations of £10,000, a reduction in the party expenditure limits and a slight increase in public funding for political parties. We feel that these would be very valuable in reassuring the public that large donations are not a source of undue influence in UK politics.

31. Attention was focussed on this issue by the case of so-called 'cash for access' in March 2012, in which the then treasurer of the Conservative Party was alleged to have suggested to undercover journalists posing as potential donors that large donations would allow privileged access to the Prime Minister and Chancellor of the Exchequer. Despite the prominence that this gave the issue

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<sup>3</sup> Thirteenth Report, *Political party finance: Ending the big donor culture* Cm 8208 November 2011

of funding, the Committee has yet to see evidence of real progress being made, although the political debate has recently been reignited by the Leader of the Labour Party making proposals to reshape the party's relationship with the Trade Unions, including the possibility of "opting in" to affiliation fees.

32. For this reason we welcome the recent initiative<sup>4</sup> by several parliamentarians to commission a Draft Bill as a basis for the development of phased reform of political party funding, as an attempt to achieve an agreed legislative framework for reform. The Committee submitted a response to the consultation on the Bill which is published on the Committee's website.
33. The Committee notes that proposals in the Draft Bill for the phasing in of the donations cap and the identification of savings within the existing envelope of public spending to finance the proposals with a cap on the total public spend on political parties, are measures the consultation document indicates are a response to address two criticisms of the Committee's Report. The proposals set out in the Committee's Report were regarded by the Committee as a package. Whilst the Committee's expectation was that the financial impact of the complete package of proposals was likely to be even handed between the two largest political parties, the illustrations of the possible impacts were based on historical information only and with a number of important limitations and caveats. The Committee acknowledged in its Report that there was a need to introduce the arrangements so as to allow the parties to adjust to the new circumstances, and that the new arrangements should not be introduced until the start of the next Parliament in 2015. For these reasons, in particular, the Committee would want to be reassured that the measures proposed in the Draft Bill are sustainable over time.
34. The Committee remains concerned about the risk presented of third parties being used to avoid the cap on donations and as such it considers it might be appropriate to take proportionate action, guarding against unnecessary bureaucracy to address this issue. The Committee is also alert to the implications of reform for smaller parties, which may have low levels of membership, elected representation and little income.
35. Sustainable reform will, in our view, require a concerted effort from the main parties to put aside self interest and resist the inclination to cherry pick proposals that benefit only them, to arrive at a solution that is in the national interest, has cross party agreement, and will restore public confidence in the integrity of the funding system.

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<sup>4</sup> Funding Democracy Breaking the deadlock A Draft Bill for consultation April 2013

## Lobbying

36. The Committee continues to regard lobbying as an area in which there are genuine concerns involving suspicions that some lobbying may be taking place in secret and some individuals or organisations have more access to policy makers, so that it is not known who or what is influencing a particular decision. However, we remain doubtful that a statutory register of third party lobbyists, as proposed by the Government in a consultation paper in 2012, is the key to further reform. We believe it would be better to build on the steps already taken to increase transparency. Greater transparency might include, for example, enhancing the level of disclosure around meetings between ministers and those lobbying on behalf of a particular interest, as proposed in a report published in July 2012 by the Political and Constitutional Reform Committee. The Government renewed its commitment to introducing a statutory register of lobbyists and increasing transparency around lobbying in its mid-term review of the Coalition published in January and has recently restated that legislation will be introduced in July 2013.
37. As set out in our annual work plan, the Committee has been considering the transparency issues around lobbying, focusing particularly on those who are lobbied. To progress this work, the Committee issued a call for evidence in June and will be holding a meeting after the Parliamentary recess with interested parties, to look at what more can be done to bring greater integrity to existing arrangements. With the evidence gathered we aim to produce proportionate recommendations which will complement the proposed statutory provision and help restore the public's trust and confidence.

## Local government standards

38. Under the Localism Act 2011 the new local government standards regime came into effect on 1 July 2012. The Committee welcomed the introduction of a mandatory requirement for local authorities to adopt a local code of conduct based on the Seven Principles of Public Life and the intention to encourage a greater sense of local responsibility for standards and to reduce the number of vexatious complaints.
39. While we recognise that the new system needs time to properly bed in, we do, however, have certain concerns:
- Due to the emphasis on local ownership of standards we would expect the new regime, like the previous one, to function well in those areas where party leaders are prepared to provide the

necessary leadership and example. It is likely to do less well where such leadership is inadequate.<sup>5</sup> History suggests that problems are most likely in areas with monolithic political cultures and correspondingly little political challenge, where partisan rivalry is most bitter and tit-for-tat accusations most common, or in those predominantly rural areas with significant numbers of independent members without the benefit of party discipline.

- Under the previous arrangements local authorities and an independent tribunal had the power to suspend members for varying periods of time as a sanction against poor behaviour. The only sanctions now available, apart from through the use of a political party's internal discipline procedures are censure or criminal prosecution for deliberately withholding or misrepresenting a financial interest. We do not think these are sufficient. The last few years have seen a number of examples of inappropriate behaviour which would not pass the strict tests required to warrant a criminal prosecution, but which deserves a sanction stronger than simple censure. While censure may carry opprobrium in the political arena it is often considered unacceptably lenient by the public relative to other areas of their experience. Coercion of other members or officers is one category of offence with which it will be difficult to deal adequately under the new arrangements.
- Under the previous arrangements allegations about poor behaviour were determined by standards committees independently chaired by individuals who were not themselves members of the local authority. Under the new arrangements every local authority must appoint at least one independent person whose views it will seek, and take into account, before making its decision on an allegation that it has decided to investigate. We doubt that this will be sufficient to provide assurance that justice is being done and, equally important, that it is seen to be done.
- In the transition to the new system local authorities may have lacked proper time to prepare. In early June 2012 we wrote to all local authorities in England to ask about their preparations for implementing the new regime which came into force on 1 July 2012. The Committee was concerned that so late in the day, nearly half of those who responded had yet to adopt a new code and around four fifths had yet to appoint an independent person. The fact that the Regulations and Order which took effect from 1 July were laid only on 6 June cannot have helped their preparations.

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<sup>5</sup> Not forgetting that in several prominent recent cases it is the behaviour of leaders themselves that have been under question.

40. While inevitably there have been various teething problems with the new regime, the Committee will continue to monitor the implementation and its effectiveness, particularly in relation to public confidence that any wrongdoing is tackled promptly and transparently in the absence of any external investigation and scrutiny.

## **Independent Adviser on Ministerial Interests**

41. In a report published in March 2012, the Public Administration Select Committee (PASC) raised the possibility that the Independent Adviser on Ministerial Interests was in practice insufficiently independent, as he or she is appointed personally by the Prime Minister, is supported from within the Cabinet Office, and cannot instigate his or her own investigations. Investigations can only be undertaken at the request of the Prime Minister. We agreed, and argued for the independence of the role to be increased and the power to instigate investigations to be granted.
42. The Independent Adviser on Ministerial Interests has carried out one investigation since then, finding in June 2012 that the then Conservative Co-Chairman had committed a minor breach of the Ministerial Code by not declaring a business relationship. However, there has also been controversy over the Prime Minister's decisions not to refer allegations made in 2012 about a possible breach of the code by the then Secretary of State for Culture, Media and Sport in relation to the bid by News Corporation for BSkyB to the Independent Adviser, on the basis that the issue would be looked at during evidence sessions for the Leveson Inquiry. It would in our view have taken much of the politics out of the issue, to everyone's advantage, if the decision on whether to investigate separately had been taken by the Independent Adviser – even if, as he might well have done, he had taken the same view. It is too easy for a Prime Ministerial decision not to refer, to be interpreted, however unfairly, as being motivated by a desire to avoid uncomfortable revelations.
43. In July 2012 our then Chair, Sir Christopher Kelly, issued a statement arguing for the Adviser to have the power to instigate investigations. The debate is still ongoing, and we continue to monitor it with interest.

## **The Leveson Inquiry**

44. Part 1 of the Leveson Inquiry into the culture, practice and ethics of the press was published in November 2012. The Committee submitted written evidence to the Inquiry in 2011, and welcomed the contribution it made to the debate on press regulation and public standards in the UK more

generally.

45. We were struck by certain points of similarity between Lord Justice Leveson's conclusions concerning the promotion of high standards, and our own in our most recent report, *Standards matter*. His report, for example, stressed the importance of standards regulators being both demonstrably independent and armed with robust sanctions, and of the appropriate tone and culture being set at the level of the leadership of an organisation.
46. Part 2 of the Inquiry will examine specific cases of alleged wrongdoing, but cannot commence until the current police investigations and any subsequent criminal proceedings have been completed.

## MPs' pay and expenses

47. Controversy arose when it was reported in the press in October 2012 that certain MPs had been in the practice of renting out property they owned in London, sometimes to other MPs, and then renting separate London accommodation for themselves and claiming expenses for doing so. Such an arrangement is not against the current rules and a press notice issued by the Independent Parliamentary Standards Authority (IPSA) noted that 'this is an issue of their own private financial affairs over which we rightly have no authority'. In the case of a number of MPs, the problem arose mainly due to transitional arrangements from the previous system. Nonetheless, because of the way in which it was presented, this issue dealt another blow to public confidence in the financial propriety of MPs and were it to continue, with new MPs, the compliance of those involved with the spirit of the rules would be open to question even if their compliance with the letter is not. The financial propriety of MPs, therefore, continues to be an issue of public confidence.
48. The Committee also notes that IPSA has carried out a review of MPs' pay and pensions, which is out to public consultation until the autumn of 2013. When finalised, this will be effective from the next Parliament in 2015.

## OUTSTANDING RISKS

49. The Committee's Fourteenth Report *Standards matter: A review of best practice in promoting good behaviour in public life* identified 12 areas that pose a particular outstanding risk to standards in public life, and are set out in the register below. More detail on developments in some of these

areas in 2012–13 can be found in the standards check above. These outstanding risks should be actively addressed before they become even more problematic and further undermine confidence in our public institutions.

Issues which the **Committee** will investigate will include:

- *lobbying* (concerns about unequal access to decision-makers and inadequate transparency)

Issues which the **Committee** is likely to investigate in the near future include:

- *how best to maintain high standards as new models of delivering public services are developed; and*
- *interchange between the public and private sectors* (suspicions of impropriety in relation to people moving between the public and private sectors).

Issues over which the **Committee** intends to keep a watching brief, and investigate if necessary include:

- *local government standards* (concerns about the impact of the regime introduced by the Localism Act 2011);
- *behaviour and conduct of the police* (concerns arising from recent incidents and reports, some of which are currently the subject of further investigation elsewhere);
- *electoral arrangements* (concerns about electoral fraud, particularly in relation to the electoral register and postal voting);
- *the role of the media in the public sector's promotion and maintenance of standards* (including its effects on public confidence, in the light of the Leveson inquiry); and

Issues which need to be addressed by the **Government** include:

- *the Prime Minister's Independent Adviser on Ministers' Interests* (the lack of a power for the Adviser to initiate his own investigations);
- clarification of the some of the aspects relating to the arrangements for *Special Advisers*; and
- *the House of Lords* (by facilitating the efforts of the House itself to address its own powers to sanction the most severe breaches of the Lords' Code of Conduct).

An issue which urgently needs to be resolved by the **political parties** is:

- *political party funding* (suspicion about the motivation behind large donations and what is received in return).

## REPRESENTATIONS AND SPEECHES

50. Over the course of the year, the then Chair spoke at a number of events on standards issues:

- In July 2012 Sir Christopher Kelly gave a speech to the All-Party Parliamentary Group on the British Constitution, organised by the Constitution Society
- In September 2012 Sir Christopher gave a speech at a conference organised in London by Transparency International.
- In November 2012 Sir Christopher spoke to a group from the Public Administration International (PAI) Public Service Commission's study programme on the role of the Committee.
- In March 2013 Sir Christopher gave a speech at the inaugural conference of the Association of Chief Police Officers (ACPO) Professional Ethics Portfolio.

51. In January 2013 the Committee held a panel discussion to mark the publication of its Thirteenth Report, *Standards matter: A review of best practice in promoting good behaviour in public life*. Panellists were Sir Christopher, Dame Anne Owers (Chair of the Independent Police Complaints Commission), Gerard Elias QC (Public Services Ombudsman for Wales) and Philippa Foster Back OBE (Director of the Institute for Business Ethics). The event was open to the public.

52. Transcripts of key speeches and the panel discussion are available on our website: [www.public-standards.org.uk](http://www.public-standards.org.uk).



UNCLASSIFIED

- Other Committee Members also spoke about the work of the Committee and standards issues, including at the Chartered Institute for Public Finance and Accountancy (CIPFA)'s Better Governance Forum in October 2012.

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## APPENDIX 1: ABOUT THE COMMITTEE

### Terms of reference

53. The Committee on Standards in Public Life was established under the chairmanship of Lord Nolan by the then Prime Minister, the Rt Hon Sir John Major, in October 1994, with the following terms of reference:

**“To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.”<sup>6</sup>**

54. The following month Sir John said of the Committee:

**“It is to act as a running authority of reference – almost you might say, an ethical workshop called in to do running repairs.”<sup>7</sup>**

55. On 12 November 1997, the then Prime Minister, the Rt Hon Tony Blair, announced additional terms of reference:

**“To review issues in relation to the funding of political parties and to make recommendations as to any changes in present arrangements.”<sup>8</sup>**

56. On 5 February 2013, the Minister for the Cabinet Office, the Rt Hon Francis Maude MP, announced two clarifications to the Committee’s terms of reference in a written statement:

**“in future the Committee should not inquire into matters relating to the devolved legislatures and Governments except with the agreement of those bodies”**

and

**“The Committee’s remit to examine ‘standards of conduct of all holders of public office’ [should be understood] as encompassing all those involved in the delivery of public services, not solely those appointed or elected to public**

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<sup>6</sup> Hansard (HC) 25 October 1994, col. 758

<sup>7</sup> Speech at the Lord Mayor’s Banquet, 14 November 1994.

<sup>8</sup> Hansard (HC) 12 November 1997, col. 899

office.”<sup>9</sup>

## Status

57. The Committee is an independent advisory Non-Departmental Public Body (NDPB). Its members are appointed by the Prime Minister. Seven of its members, including the Chair, are chosen through open competition under the rules of the Office of the Commissioner for Public Appointments (OCPA). The remaining three members are nominated by the three main political parties. The Committee is not founded in statute and has no legal powers to compel witnesses to provide evidence or to enforce its recommendations. Nor does it have any powers to investigate individual allegations of misconduct. It presents its recommendations to the Prime Minister and publishes them simultaneously.

## Funding and administration

58. The Committee receives its budget from the Cabinet Office. Day-to-day responsibility for financial controls and budgetary mechanisms are delegated to the Secretary of the Committee. The Secretary and the rest of the secretariat are permanent civil servants employed by the Cabinet Office or on secondment from other departments or elsewhere. The current Secretary is on loan from the Ministry of Justice.

## Policy on openness

59. In its first report the Committee defined the Seven Principles of Public Life. The Committee has always sought to implement these principles in its own work, including the principle of openness.

60. The Secretary of the Committee has responsibility for the operation and maintenance of the Committee’s publication scheme under the Freedom of Information Act 2000. Most of the information held by the Committee is readily available, and does not require a Freedom of Information Act request before it can be accessed. The Committee can be contacted in writing, by email, by telephone or by fax. The public can also access information via the Committee’s website. Requests for information under the Freedom of Information Act should be made to the Secretary to the Committee at the following address:

- **Committee on Standards in Public Life**  
Room G.05 1 Horse Guards Road  
London SW1A 2HQ

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<sup>9</sup> Hansard (HC) 5 February 2013, col. 7WS

- Phone: 020 7271 0855/2948
- Email: [public@standards.gsi.gov.uk](mailto:public@standards.gsi.gov.uk)
- Website: [www.public-standards.org.uk](http://www.public-standards.org.uk)

## APPENDIX 2: MEMBERS OF THE COMMITTEE

Until the latest appointments, Committee members were appointed for a three year term, with the possibility of reappointment. The latest three members were recruited for a five year non-renewable term. The Chair is appointed for a single non-renewable five year term. Following a recommendation made in the 2013 triennial review the number of Committee members will be reduced to seven over the course of the next few years.

### Current Members

#### Lord Alderdice

**Appointed:** 1 September 2010

**Term ends:** 31 August 2013

John Alderdice is an Honorary Fellow of the Royal College of Psychiatrists. He led the Alliance Party of Northern Ireland and was a Vice President of the Federation of European Liberal, Democrat and Reform Parties and President of Liberal International. Raised to the peerage on October 1996, he took his seat on the Liberal Democrat benches in the House of Lords on 5 November that year. He was one of the negotiators of the Good Friday Agreement. In 1998 Lord Alderdice was elected Assembly Member for Belfast East and appointed Speaker of the Northern Ireland Assembly, a position he held until retiring in 2004. In 2004 he was appointed as a Commissioner for the newly established Independent Monitoring Commission and served until it was wound up in 2011. In June 2010 he was elected Convenor (Chair) of the Liberal Democrat Parliamentary Party in the House of Lords.

#### Dame Angela Watkinson MP

**Appointed:** 30 November 2012

**Term ends:** 30 November 2017

After an early career in banking and a family career break, Dame Angela Watkinson worked for several local authorities in special education and central services. She has served as a councillor for both the London Borough of Havering and an Essex County Council. Angela was elected as Conservative MP for Upminster in 2001 and continues to serve her enlarged constituency of Hornchurch and Upminster. She has spent most of her Parliamentary Career as a Whip, and Lord Commissioner to the Treasury. Angela is also a member of the Council of Europe.

## **Rt Hon Dame Margaret Beckett MP**

**Appointed:** 1 November 2010

**Term ends:** 31 October 2013

Margaret Beckett has been Labour MP for Derby South since 1983. She was Secretary of State for Trade and Industry 1997-1998, President of the Council and Leader of the House of Commons 1998-2001, Secretary of State for Environment, Food and Rural Affairs 2001-2006, Secretary of State for Foreign Affairs 2006-2007, Minister for Housing and Planning (attending Cabinet), Department for Communities and Local Government 2008-2009. She has also been Chair of the Intelligence and Security Committee.

## **Sheila Drew Smith OBE**

**Appointed:** 17 May 2012

**Term ends:** 16 May 2017

Sheila Drew Smith OBE is an economist by background and is an independent assessor for appointments in the public and private sectors, including OCPA to 2012. She is currently Chair of the National Approved Letting Scheme and was a non executive director of the London Thames Gateway Development Corporation till its conclusion in 2013. Prior to that she was a board member of the Housing Corporation between 2002 and 2008, the Audit Commission between 2004 and 2010, and the Infrastructure Planning Commission and the Office of the Regulator of Social Housing to March 2012. Prior to this she was a partner in the predecessor firms of PricewaterhouseCoopers working in the UK and internationally. Her earlier career was in the Government Economic Service.

## **Patricia Moberly**

**Appointed:** 17 May 2012

**Term ends:** 16 May 2017

Patricia Moberly was Chair of Guy's and St Thomas' NHS Foundation Trust from 1999 to 2011. During her previous career as a schoolteacher, she worked in secondary schools in London and Zambia, and was Head of the Sixth Form at Pimlico School from 1985 to 1998. She served on the National Executive of the Anti-Apartheid Movement, was a member of Area and District Health Authorities and of the General Medical Council, a local councillor and a magistrate. Currently she is a prison visitor and a member of the Ethics Committee of the Royal College of Obstetricians and Gynaecologists, and serves on an advisory committee to the Secretary of State for Transport. She is a panellist for the Judicial Appointments Commission.

## **Sir Derek James Morris MA DPhil**

**Appointed:** 1 March 2008

**Re-appointed:** 1 March 2011

**Term ends:** 28 February 2014

Sir Derek Morris has been Provost of Oriel College, Oxford since 2004. Previously he was Chairman of the Competition Commission (formerly the Monopolies and Mergers Commission). From 1970 to 1997 he

was an Economics Fellow at Oriel College and from 2004 to 2005 he chaired the Morris Review of the Actuarial Profession. He is Chairman of trustees of Oxford University Press Pension Fund, non-executive Chairman of Lucida plc and a senior consultant to Frontier Economics.

### **Dame Denise Platt**

**Appointed:** 1 July 2008

**Re-appointed:** 1 July 2011

**Term ends:** 30 June 2014

Dame Denise Platt has held a number of leadership positions in the public and third sectors at national and local levels. Past positions include Chair of the Commission for Social Care Inspection, Governor of the University of Bedfordshire, member of the Audit Commission, Chief Inspector of the Social Services Inspectorate. She holds voluntary positions as the Chair of the National AIDS Trust (NAT), Trustee of the National Society for the prevention of Cruelty to Children (NSPCC) and Trustee of the Lloyds TSB Foundation for England and Wales. She is a member of the General Medical Council. Dame Denise has also acted as the independent chair overseeing the recruitment of Commissioners for the Electoral Commission and most recently for the Independent Parliamentary Standards Authority.

### **David Prince CBE (interim Chair 01/04/13 to 31/7/13)**

**Appointed:** 1 June 2009

**Re-appointed:** 1 June 2012

**Term ends:** 31 May 2015

David Prince currently holds non-executive positions as a member of the General Pharmaceutical Council and on the audit and risk committees of the Care Quality Commission, Bar Standards Board and General Osteopathic Council. He is the former Chief Executive of the Standards Board for England. He held senior positions at the Audit Commission, as Managing Director, Strategy and Resources and District Audit. Previously his career was in local government, where posts included Chief Executive of Leicestershire County Council and Director of Finance and Administration of Cambridgeshire County Council.

### **Richard Thomas CBE**

**Appointed:** 17 May 2012

**Term ends:** 16 May 2017

Richard Thomas CBE LLD was the Information Commissioner from November from 2002 to 2009. He was Chairman of the Administrative Justice and Tribunals Council (AJTC) until August 2013 and Deputy Chairman of the Consumers Association until December 2012. He is currently a Trustee of the Whitehall and Industry Group, a Strategy Adviser to the Centre for Information Policy Leadership and a Board Member of the International Association of Privacy Professionals (IAPP). During his earlier career his roles included Director of Consumer Affairs at the Office of Fair Trading from 1986 to 1992 and Director of Public Policy at Clifford Chance, the international law firm from 1992 to 2002.

## Members active in 2012-13 who have subsequently stood down

### Oliver Heald MP

**Appointed:** 1 March 2008

**Re-appointed:** 1 March 2011

**Term ended:** 3 September 2012

Oliver Heald was called to the Bar in 1977 and has practised as a barrister on the South Eastern Circuit. He is a specialist in employment law. He was elected as Member of Parliament for North East Hertfordshire at the General Election of April 1992. He has served as a minister in the Department of Social Security and is a former Shadow Leader of the House of Commons. During the year to which this report relates he was a member of the Standards and Privileges Select Committee, Chairman of the Society of Conservative Lawyers Executive Committee and Chairman of the Parliamentary Resources Unit. He stood down from the Committee on his appointment as Solicitor General on 3 September 2012.

### Sir Christopher Kelly KCB (former Chair)

**Appointed:** 1 January 2008

**Term ended:** 31 March 2013 (extended from 31 December 2012)

Christopher Kelly is Chair of the Kings Fund. Until February 2012 he was also Chair of the Financial Ombudsman Service. He was previously a civil servant. Between 1970 and 1995 he worked in HM Treasury, latterly as Director of Monetary and Fiscal Policy and then Director of the Budget and Public Finances. Between 1995 and 1997 he was Head of Policy Group at the then Department of Social Security. From 1997 to 2000 he was Permanent Secretary of the Department of Health. Since leaving the Civil Service he has chaired, or been a member of, a number of advisory and other groups in the public, private and voluntary sectors. He was Chairman of the NSPCC between 2002 and 2010.

## Research Advisory Board

The Committee's work is supported by a Research Advisory Board. The current Board members are:

- **Dr Mark Philp** (Chairman), Fellow and Tutor in Politics, Oriel College, University of Oxford
- **Dr Jean Martin**, Senior Research Fellow, Social Inequality and Survey Methods, Department of Sociology, University of Oxford
- **Professor Cees van der Eijk**, Professor of Social Science Research Methods, Director of Social Sciences Methods and Data Institute, University of Nottingham
- **Dr Wendy Sykes**, Director of Independent Social Research Ltd (ISR) and Member of the SRA implementation group on commissioning social research.

## Members' attendance (1 April 2011 - 31 March 2012)

The table below shows the total number of meetings that each member of the Committee could have attended and the number they actually attended.

Name	Possible meetings	Actual meetings
Lord Alderdice	12	8
Dame Rt Hon Margaret Beckett MP	12	9
Sheila Drew Smith OBE	11	10
Oliver Heald MP	4	3
Sir Christopher Kelly	12	12
Patricia Moberly	11	11
Sir Derek Morris MA DPhil	12	11
Dame Denise Platt	12	10
David Prince CBE	12	12
Richard Thomas CBE	11	11
Dame Angela Watkinson MP	3	3

In addition to the monthly Committee meetings, all members attend a variety of other meetings and briefings in relation to the business of the Committee.

## Remuneration

61. Committee members who do not already receive a salary from public funds for the days in question may claim £240 for each day they work on committee business. Sir Christopher Kelly was paid a flat rate of £50,000 a year, which had remained unchanged since his appointment. All members are reimbursed for expenses necessarily incurred. The new Chair is being paid on the basis of a non-pensionable salary of £500 per day, with the expectation that he should to commit an average of 2-3 days a month, although this can increase significantly during Committee



inquiries.

62. For the period April 2012–March 2013 Committee members other than the Chair claimed a total of £26,738 in fees and expenses. The Chair claimed no expenses.

63. In accordance with the best practice recommended in its first report, members of the Committee formally adopted a code of practice in March 1999. The code is available on the website and has been reviewed periodically by the Committee, most recently in July 2011. Members provide details of any interests that might impinge on the work of the Committee through the Committee’s register of interests, also available on the website at:

[www.public-standards.org.uk/About/Register\\_of\\_Interests.html](http://www.public-standards.org.uk/About/Register_of_Interests.html).

## APPENDIX 3: FINANCIAL INFORMATION

<b>Expenditure</b>	<b>2011-12</b>	<b>2012-13</b>
	<b>(£)</b>	<b>(£)</b>
<b>Staff costs and fees</b>	327,540	355,737
<b>Other running costs</b>	141,686	161,425
<b>Total net expenditure</b>	<b>469,226</b>	<b>517,162</b>

64. As an advisory Non-Departmental Public Body (NDPB), the Committee receives its delegated budget from the Cabinet Office. The Cabinet Office Accounting Officer has personal responsibility for the regularity and propriety of the Cabinet Office vote. Responsibility for certain levels of authorisation, methods of control and day to day mechanisms have been delegated to the Secretary to the Committee.
65. The Secretary to the Committee is responsible for setting out the outputs and outcomes which the Committee plans to deliver with the resources for which they have delegated authority, and for reporting regularly on resource usage and success in delivering those plans. She is also responsible for maintaining a sound system of internal control over the resources for which she has delegated authority, and for providing the accounting officer with assurances that those controls are effective.
66. The Committee's original budget allocation for 2012-2013 was £504,000. In August 2012 it was agreed that this allocation would be increased by £56,000 to £560,000 to help fund the Committee's review of best practice in promoting good behaviour in public life.
67. Total expenditure for the financial year of £517,162 represents savings of £42,838. This is almost entirely the result of the actual cost of a number of items of expenditure being less than anticipated at the beginning of the financial year. For example, two pieces of research carried out by an external contractor were completed at a significantly lower cost than predicted.

## APPENDIX 4: REPORTS AND PUBLICATIONS

68. The Committee has published the following reports:

- Standards Matter: A review of best practice in promoting good behaviour in public life (Fourteenth Report (Cm8519)) (January 2013)
- Political Party Finance - Ending the big donor culture (Thirteenth Report (Cm 8208)) (November 2011)
- MPs' Expenses and Allowances: Supporting Parliament, Safeguarding the Taxpayer (Twelfth Report (Cm7724)) (November 2009)
- Review of the Electoral Commission (Eleventh Report (Cm7006)) (January 2007)
- Getting the Balance Right: Implementing Standards of Conduct in Public Life (Tenth Report (Cm6407)) (January 2005)
- Defining the Boundaries within the Executive: Ministers, Special Advisers and the permanent Civil Service (Ninth Report (Cm 5775)) (April 2003)
- Standards of Conduct in the House of Commons (Eighth Report (Cm 5663)) (November 2002)
- The First Seven Reports - A Review of Progress - a stock-take of the action taken on each of the 308 recommendations made in the Committee's seven reports since 1994 (September 2001)
- Standards of Conduct in the House of Lords (Seventh Report (Cm 4903)) (November 2000)
- Reinforcing Standards (Sixth Report (Cm 4557)) (January 2000)
- The Funding of Political Parties in the United Kingdom (Fifth Report (Cm 4057)) (October 1998)
- Review of Standards of Conduct in Executive Non-Departmental Public Bodies (NDPBs), NHS Trusts and Local Public Spending Bodies (Fourth Report) (November 1997)<sup>10</sup>
- Standards of Conduct in Local Government in England, Scotland and Wales (Third Report (Cm 3702)) (July 1997)
- Local Public Spending Bodies (Second Report (Cm 3270)) (June 1996)
- Standards in Public Life (First Report (Cm 2850)) (May 1995)

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<sup>10</sup> This report was not published as a Command Paper.

UNCLASSIFIED

69. Since 2004, the Committee has also undertaken five biennial surveys of public attitudes towards conduct in public life. Findings were published in 2004, 2006, 2008, 2011 and 2013.

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**Annual Report 2012-13**

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**August 2013**

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20<sup>th</sup> February 2014

**Ethics Committee**

**Executive Director Approving Submission of the report:**  
Executive Director, Resources

**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:**

This report suggests a new complaint form to be included on the Council's website in relation to complaints against elected and co-opted members and in addition sets out a summary of three cases determined under the new complaints regime from other authorities.

**Recommendations:**

The Ethics Committee is recommended to

- 1.1 Approve the new complaint form at Appendix 1 and any consequential changes to the Council's webpage
- 1.2 Note the three cases determined under the new regime and delegate any actions arising from these to the Assistant Director Legal and Democratic Services in consultation with the Chair the Ethics Committee

**List of Appendices included:**

Appendix 1 Complaint form  
Appendix 2 Coventry City Council's Complaint's Protocol

**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



## **1. Context (or background)**

- 1.1 The Council's Ethics Committee was set up following the introduction of the new standards regime under the Localism Act 2011. The Committee adopted the new complaints protocol following the introduction of the Council's new Code of Conduct at its initial meeting on the 30<sup>th</sup> August 2012.
- 1.2 The Council's Complaints protocol stipulates that complaints must be submitted in writing, but does not require a specific form to be used, nor allow submission using an online form. This report attaches a draft of a complaint form which it is hoped will assist potential complainants, subject members and the Monitoring Officer, in ensuring a robust, transparent and straightforward process for the submission and processing of member complaints.
- 1.3 Since the new regime came into effect, the Council's Monitoring Officer has not received any complaints about elected members, co-opted members or indeed any referral of complaints from the two parish councils of Keresley and Allesley.
- 1.4 Since the Council has not received any complaints, a review of cases on a national basis was undertaken by the Monitoring Officer, to raise awareness of any issues which would assist the Ethics Committee in assisting the Council with its duties under section 27 of the Localism Act 2011 to promote and maintain high standards of member conduct.

## **2. Options considered and recommended proposal**

- 2.1 Whilst the Council's Protocol does not require the completion of a form for complaints to be made about elected and co-opted members, the form has been designed so that a complainant is aware of the individual requirements which make up a valid complaint. Experience of dealing with complaints under the old regime showed that requiring potential complaints to :
  - 2.1.1 clearly identify what had been said or done
  - 2.1.2 date and place the conduct
  - 2.1.3 set out evidence in support
  - 2.1.4 relate the conduct complained of to specific paragraphs of the Code of Conductenabled the complaint to be dealt with in a more timely and efficient manner, and raised the awareness of the potential complainant as to the procedure which would be applied once the complaint was lodged. It also assisted in ensuring only valid complaints were submitted, as it allowed the Monitoring Officer to return the form if not correctly completed. The new form should allow potential complaints to identify the correct sections of the Code they believe have been infringed and produce a complaint in a logical and timely manner. It also deals with the need to advise potential complainants that their identity will not usually be withheld, and sets up an expectation that elected members will know the case they have to meet at the earliest opportunity.
- 2.2. It has been also noted that the Council's website was not as clear as it could be in terms of signposting for a potential complainant. It is therefore suggested that once approved, the form be located at several places on the webpage, that the Council's Complaints

Protocol be similarly located, and suitable summary wording be added at key points on the web to guide and assist potential complainants.

- 2.2 Since the abolition of Standards for England there has been no national body overseeing local assessment of complaints and no national statistics are available. Similarly, as every Council has adopted its own procedure for the assessments and determination of complaints, it is difficult to extract information nationally about the substance of complaints, how they are being dealt with and discern any national trends.
- 2.3 Nevertheless, there have been three cases which may be of note since July 2012, two of which were determined by Cornwall County Council and are published on their website, [www.cornwall.gov.uk/standards](http://www.cornwall.gov.uk/standards) . These cases involved two county councillors, and were determined by the Council's Monitoring Officer, one following a formal investigation under Cornwall's complaints procedure. The remaining case is from Warwick District Council.
- 2.4 The first complaint is of interest to the Committee as it concerned behaviour which would not normally have attracted sanction under the Code of Conduct, as it occurred where a subject member was acting in their private capacity (parking his vehicle). However, because the Councillor was found to have used words which imputed that he was acting or holding himself out as acting in such a way as third party could reasonably have concluded that he was acting as a representative of the Council , the Councillor was held to have moved from acting in a private capacity, to his official capacity. Cornwall's Monitoring Officer noted that the Councillor had offered an apology for the conduct; this was imposed as the sanction and has been delivered. The case highlights that members may be caught by the provisions of the Code even when acting in their private capacity.
- 2.5 The second complaint is one which made national headlines, and concerned remarks made by Councillor Collin Brewer. He resigned, was re-elected and following a repeat of similar remarks, resigned again from office on 10<sup>th</sup> July 2013. The complaint attracted national publicity due to the highly offensive nature of the remarks, but also the fact that the Council was unable to impose any form of suspension as a sanction, due to the new legislation preventing such sanctions from existing. This is still the subject of concern to Monitoring Officers and Standards Committees nationally, but there is no indication of a change of position from national Government on this to date. Councillor Brewer was held to have breached paragraphs 4.9 to 4.14, and paragraphs 6.1 and 6.2 of Cornwall Council's Code of Conduct in respect of offensive remarks made about disabled children in its care. Unusually, restrictions on publicity were lifted, and the investigator's report published. Sanctions imposed included:
  - 2.5.1 a formal apology
  - 2.5.2 formal censure
  - 2.5.3 training on the Code of Conduct and dealing with the media
  - 2.5.4 a recommendation to Group Party Leaders that Councillor Brewer not be allowed to serve on Committees with responsibility for disabled persons ,and similarly Outside Bodies
  - 2.5.5 restrictions on the Councillor attending and using those parts of the council premises where disabled persons would be present
  - 2.5.6 required attendance at a meeting with the Interim Chief Executive and other relevant senior officers.
- 2.6 Councillor Brewer resigned before the sanctions were imposed, but did tender the apology. He later stood for re-election (May 2013) but then resigned again on 10<sup>th</sup> July 2013 and is no longer a serving member of the Cornwall Council. The Ethics

Committee should note that the Council undertook several actions which could be deemed unusual in standards terms ,when handling this complaint, which can be summarised as follows

- 2.6.1 restrictions on publicity were lifted for publication of the investigators report
  - 2.6.2 regular press releases were given
  - 2.6.3 concern over the enforceability of sanctions was raised at the national level by the Council.
- 2.7 The Committee may be aware of the third case, as it is of more local nature involving Councillor Linda Bromley, an independent (formerly Conservative) Councillor from Warwick District Council. On the 15<sup>th</sup> November 2013 the Council's Standards Committee determined that Councillor Bromley had acted inappropriately in speaking with a member of the public and approaching a Council sub contractor, with regard to concerns about St Nicholas Park, in respect of which she was a Management Committee member. Sanction was imposed in the form of an apology, to be directed to councillors and officers, the Council's Chief Executive and a local resident.
- 2.8 The complaint may be of interest to the Ethics Committee in that whilst the initial substance of the complaint was the behaviour of the Councillor towards a member of the public and the contact made with a council sub contractor, the Councillor was also found to have been in breach of the Code by failing to respond to correspondence sent by the Deputy Monitoring Officer and the Standards Committee. By failing to respond to emails from the Deputy Monitoring Officer, and failing to respond to a letter sent by the Deputy Monitoring Officer on behalf of the Standards Committee, Councillor Bromley was found to have failed to value and respect her colleagues, and failed to work constructively with them. The Hearing Panel (a sub committee of the Standards Committee) determined that these two failures amounted to a failure to comply with the Code.
- 2.9 Councillor Bromley is reported to have subsequently spoken out publicly about the issue, and is reported to have said that she considers the Councillors' Code of Conduct may well fetter and restrict councillors from seeking direct and appropriate answers and information in the course of their duties. It is not yet known if the apology has been delivered.
- 2.10 The Committee may like to note that Warwick District Council maintain and publish a Register of Complaints against Elected Members, which is publicly available on their website. The Council's Complaints Protocol does not provide for this and the Committee may wish to consider whether or not such a register should be created and made available at the Council.
- 2.11 In summary, the three complaints demonstrate the already known difficulties with the new standards regime, namely the lack of real and effective sanction for dealing with serious breaches, and the limited effect of censure, even when undertaken in a very public forum. Whilst there is no immediate solution to the issue, it is hoped that the work of the Committee on Standards in Public Life will continue to highlight the issue of local standards and accountability for all those who serve as elected members.
- 2.12 Members of the Committee may also be aware of a recent report issued by the Standards Committee of Thanet District Council, dated 21<sup>st</sup> November 2013 concerning the 'culture of the Council, with particular regard to relationships between members and the general public'. The report was presented by the Independent Members of Thanet's Standards Committee, who were concerned over recent behaviour at Council meetings and sought to raise these as part of their duty to promote and maintain high standards

of conduct. The report considered that due to recent behaviour, the Council was held in low regard by members of the public, and that members were distrustful of each other. Whilst the report suggested a number of options to resolve the perceived cultural problems, such as action within political groups or training, its observations were criticized for lacking real evidence in support. The Standards Committee has resolved to ask for the report to be amended, and for evidence to be collated before it is presented further to the Council. The four independent members resigned from the Standards Committee at the meeting on the 21<sup>st</sup> November 2013 and their positions remain vacant.

### **3. Results of consultation undertaken**

- 3.1 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**

- 4.1 Not Applicable

### **5. Comments from Executive Director, Resources**

- 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, as the Council has already taken steps to comply with its obligations under section 27 of the Localism Act 2011.

### **6. Other implications**

None

- 6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

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) the environment**

None

**6.6 Implications for partner organisations?**

None at this stage

**Report author(s): Christine Forde**

**Name and job title:** City Solicitor and Assistant Director, Legal and Democratic Services

**Directorate:** Resources

**Tel and email contact:** 02476 831587 [christine.forde@coventry.gov.uk](mailto:christine.forde@coventry.gov.uk)

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Gurdip Paddan	Governance Services Officer	Resources	6.12.13	6.12.13
Christine Goodwin	Senior Lawyer, Corporate Governance and Litigation Team	Resources	15.11.13	6.12.13
Other members				
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Name	Neil Chamberlain	Resources	5.12.13	6.12.13
Legal: Name	Christine Forde	Resources	15.11.13	6.12.13
Director: Name	Chris West	Resources	6.12.13	10.12.13
Members: Name	Councillor Hetherton	Elected Member	6.12.13	11.12.13

This report is published on the council's website:

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

**Appendix 1**

Complaint form

**Appendix 2**

Complaints Protocol

COMPLAINT FORM

If you have any questions or difficulties filling in this form, for example if English is not your first language or you have a disability - please contact the Monitoring Officer.

You can also email the Council at christine.forde@coventry.gov.uk

Please note:

- We can only accept complaints in writing or by email
- We are unlikely to be able to keep your identity confidential if you make a complaint
- Once received, your complaint will be processed in accordance with the Council's Complaints Protocol, available on the Council's website *[insert hyperlink to it]*. It is strongly recommended that you read the Protocol before you complete this form, so you are aware of what will happen once the complaint is made.

About you

Title: Mr  Mrs  Ms  Miss  Councillor  Other (please specify)

First Name:

Surname:

Address:

Daytime tel:

Evening tel:

email:

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the Member, particularly if the matter goes forward for investigation. I understand the complaint will be processed in accordance with the Council's Complaints Protocol.

Signed

Date

Your Complaint

Who are you complaining about?

Please give the name of the **Councillor(s), Member(s) or Co-opted Member(s)** that you consider has broken the Code of Conduct and the **name of their Authority(ies)**.

Name of individual(s)	Name of their Authority(ies)

Please tick here if you work for the Authority(ies) shown above

Please tick here if you are a Member of the Authority(ies) shown above

Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct and any **information that supports the allegation**. The Ethics Committee can only consider complaints that a Member has broken a local Code of Conduct. Continue on a separate sheet if there is not enough space on this form.

1. <b>WHO</b> is the complaint about? - if it is more than one person name them all	
---	--

2. <b>WHY</b> are you complaining about them? - say what went on, how you felt about it and why you think it is unacceptable or inappropriate	
---	--

3. <b>WHICH</b> part of the Member's Code of Conduct are you alleging has been broken? Please be specific and if necessary, highlight the paragraph on the attached copy.	
---	--

4. <b>WHAT</b> did they do? If it relates to their language or behaviour write down what they actually said/did as you need to say what they did that was unacceptable to you	
---	--

5. <b>WHEN</b> did this take place? Be specific on the dates and times otherwise it becomes very difficult to investigate (if that is what happens)	
---	--

6. <b>WHERE?</b> - be specific where it all took place - give the address and also the details of the venue - was it in a meeting room/corridor/in the street/in the pub etc.	
---	--

7. <b>WITNESS</b> - who else was there and heard what went on - you need to name the persons who can potentially be asked questions about the incident	
--	--



**8. Evidence** (if this applies)

Attach to this form copies of any correspondence, documents, names and details of witnesses and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you

**It is essential that you give evidence to support your complaint, otherwise the Monitoring Officer and/or Ethics Committee will not be able to decide if what you say should be investigated.**

**WE NEED DETAILED INFORMATION FROM YOU - THE MORE DETAILED THE BETTER!**

Please send this form to: Christine Forde  
Solicitor to the Council and Monitoring Officer  
1st Floor, Christchurch House  
Coventry  
CV1 2QL

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The Race Relations Act 2000 requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory

The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

**Your ethnic origin:**

Asian or Asian British	<input type="checkbox"/>	Chinese	<input type="checkbox"/>	White	<input type="checkbox"/>
Black or Black British	<input type="checkbox"/>	Mixed	<input type="checkbox"/>	Other	<input type="checkbox"/>

## 5.1 Member Code of Conduct

### Coventry City Council

I ..... being a duly elected Councillor/Co-opted Member for Coventry City Council hereby declare that I will undertake my duties as follows:

- 5.1.1. I will represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
- 5.1.2. **As a holder of public office** and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council:
- a. **SELFLESSNESS:** I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.
  - b. **INTEGRITY:** I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
  - c. **OBJECTIVITY:** I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.
  - d. **ACCOUNTABILITY:** I am accountable for my decisions and actions to the public and must submit myself to whatever scrutiny is appropriate to my office.
  - e. **OPENNESS:** I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.
  - f. **HONESTY:** I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.
  - g. **LEADERSHIP:** I will promote and support these principles by leadership and example.
- 5.1.3. As a Member of Coventry City Council I will act in accordance with the principles in paragraph 2 and, in particular, I will
- a. Champion the needs of residents - the whole community and all my constituents, including those who did not vote for me - and put the public interest first.
  - b. Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
  - c. Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the City of Coventry or the good governance of the Council in a proper manner.
  - d. Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member/Co-opted Member of this Authority.

- e. Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit.
- f. Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
- g. Contribute to making the City Council's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.
- h. Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.
- i. Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- j. Always treat people with respect, including the organisations and public I engage with and those I work alongside.
- k. Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.

#### **5.1.4. Gifts and Hospitality**

- 5.1.4.1. I will, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which I have accepted as a member from any person or body other than the authority.
- 5.1.4.2 I acknowledge that the Monitoring Officer will place my notification on a public register of gifts and hospitality.
- 5.1.4.3 I am aware that this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

#### **5.1.5. Register of Interests**

- 5.1.5.1 I will:
  - a. register and, where appropriate, disclose those disclosable pecuniary interests that I am obliged to declare under the Localism Act and associated regulations; and
  - b. register details of my membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. I acknowledge that this could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. I understand that such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect; and
  - c. register details of my membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

I will do this by completing, signing and submitting the prescribed form to the Monitoring Officer at Coventry City Council. I will keep the register updated and acknowledge that its contents will be published on the Council's website and will be open to the public to inspect.

#### **5.1.6. Disclosable Pecuniary Interests Entered on the Register**

5.1.6.1 I understand that if I am present at a meeting of the Council and

- a. I am aware that I have a disclosable pecuniary interest under paragraph 5.1.a above in any matter to be considered or being considered at the meeting; and
- b. the interest is entered in the Council's register

I may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have such an interest ; and I will leave the room where the meeting is held while any discussion or voting takes place.

#### **5.1.7. Disclosable Pecuniary Interests NOT Entered on the Register**

5.1.7.1. I understand that if I am present at a meeting of the Council and

- a. I am aware that I have a disclosable pecuniary interest under paragraph 5.1.a above in any matter to be considered or being considered at the meeting; **and**
- b. the interest is not entered in the Council's register,

I must disclose the interest to the meeting. Furthermore, I may not participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and I will leave the room where the meeting is held while any discussion or voting takes place.

5.1.7.2 I also understand that if an interest referred to in 7.1 above is not entered on the Council's register and is not the subject of a pending registration, I must notify the Council's Monitoring Officer of the interest within 28 days of the date of the disclosure.

5.1.7.3 If I am a member who has the power to discharge a council function acting alone, I understand that if I am aware that I have a disclosable pecuniary interest in any matter to be dealt with or being dealt with by me in the course of discharging that function:

- a. I may not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by me); **and**
- b. If the interest is not entered on the Council's register and is not the subject of a pending registration, I must notify the Council's Monitoring Officer of the interest within 28 days of becoming aware of the interest.

#### **5.1.8. Other Relevant Interests**

5.1.8.1 I understand that I have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:

- a. a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of me or a member of my family or a person with whom I have a close association, or an organisation or body under paragraph 5.1.b or 5.1.c above, to a greater extent than it would affect the

majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which I have been elected or otherwise of the authority's administrative area; and

- b. the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest.

5.1.8.2 I acknowledge that if I have an Other Relevant Interest as described in 8.1. above,—

- a. I will make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent; **and**
- b. I will not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have an Other Relevant Interest at any meeting at which I am present and I will leave the room where the meeting is held while any discussion or voting takes place.

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**1. Introduction and Background**

- (1) This Complaints Protocol has been developed and adopted by Coventry City Council to deal with complaints that an elected or co-opted member of the City Council or an elected or co-opted member of Allesley Parish Council or Keresley Parish Council has failed to comply with the Code of Conduct for their authority.
- (2) Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that an elected or co-opted member of the authority, or of a parish council within the authority's area, has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.
- (3) Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by an elected or co-opted member against whom an allegation has been made.
- (4) Complaints will be dealt with as quickly as possible taking into account the detailed requirements of this Complaints Protocol.

(4) In this Protocol the words and phrases used have the following meanings:

"Complainant"	Means the person who makes the complaint that a member has failed to comply with the Code of Conduct
"Code of Conduct "	means the Code of Conduct of either Coventry City Council or a Parish Council, as the context allows.
"the Council"	means Coventry City Council
"Ethics Committee"	means the Ethics Committee of Coventry City Council
"IO"	means an Investigating Officer appointed by the Monitoring Officer to investigate an alleged breach of the Code of Conduct
"IP"	means an Independent Person appointed by the Council under Section 28(7) of the Localism Act 2011.
"Malicious"	means motivated by spite or ill will
"member"	includes a co-opted member as well as an elected

	member.
"MO"	means the Monitoring Officer of Coventry City Council.
"Parish Council"	means Allesley Parish Council and/or Keresley Parish Council.
"Politically Motivated"	means calculated to cause political embarrassment and injury to reputation of the party concerned
"Subject Member"	means the elected or co-opted member against whom an allegation has been made that the Code of Conduct has been breached
"Unreasonable"	means brought without any firm factual basis, for underhand motive, duplicating an earlier complaint (whether or not that complaint was determined), containing abuse or inappropriate content, being wholly or partly irrational or immoderate

## **2. Initial Filter by Monitoring Officer**

- (1) When the MO receives a complaint alleging that a member has breached the Code of Conduct, they will first check the complaint to see if it identifies any potential criminal offence under Section 34 of the Localism Act 2011. If so, the MO will refer the matter as a first step, to the police and will not take any action on the complaint without prior discussion with the police.
- (2) If a complaint is received by the MO which contains both the above and an allegation which, whilst not identifying any potential criminal offence under Section 34 of the Localism Act 2011, is still potentially a breach of the Code of Conduct, the MO will not take any action on the complaint as a whole, without prior discussion with the police.
- (3) In the event the initial test is met, the complaint will be reviewed under Stage 1 of the Complaints Protocol.
- (4) The MO will acknowledge receipt of the complaint within 5 working days.
- (5) The Subject Member will be informed of the complaint when the MO determines it appropriate but without causing prejudice to the Subject Member.



### 3. Stage 1: Determining How the Complaint Should be Dealt with

- (1) Stage 1 of the Protocol is a review to decide how the complaint should be dealt with. Such a review will be undertaken by the MO and Chief Executive of the Council (or their respective nominees) as appropriate in consultation with the Group Leader of the Subject Member's party (if the complaint relates to a Council member and the Subject Member belongs to a political group), the Parish Clerk (if the complaint relates to a Parish Council member) and the IP where appropriate.
- (2) The options for dealing with a complaint are:-
  - (i) referring the matter to an internal/external IO for investigation;
  - (ii) taking no further action on the complaint; or
  - (iii) resolving the matter by informal resolution; or
  - (iv) any other way deemed appropriate
- (3) The factors to be taken into account when determining how to deal with a complaint may include (but are not limited to):-
  - (i) Whether the complaint relates to an existing member of the Council or Parish Council;
  - (ii) Whether the member was in office at the time and bound by the Code of Conduct at the time;
  - (iii) Whether the member was acting in his or her official capacity;
  - (iv) Whether the complaint is considered serious or significant in substance
  - (v) Whether the complaint would be in the public interest to pursue
  - (vi) Whether the complaint is vexatious, malicious, Politically Motivated or inappropriate;
  - (vii) Whether the complaint is substantially similar to a complaint already made to Standards for England, the Ethics Committee (or its predecessor the Standards Committee) or any other regulatory authority;
  - (viii) Whether the complaint is unreasonable;
  - (ix) Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;

- (x) Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
    - (a) the resources needed to investigate and determine the complaint are wholly disproportionate to the allegation(s); or
    - (b) whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation;
  - (xi) Whether the complaint suggests that there is a wider problem throughout the authority;
  - (xii) Whether it is apparent that the complaint arises from the Subject Member's relative inexperience as a member,
  - (xiii) Where the Subject Member has admitted making an error;
  - (xiv) Whether training or conciliation would be the appropriate response;
  - (xv) Whether or not the member has been the subject of previous complaints that have been upheld
- (3) After consideration of the above factors, and any others the MO and/or the Chief Executive considers reasonable, the complaint will move to Stage 2.

#### 4. Stage 2: Outcomes and Investigations

- (1) If following consultation the MO decides that no further action is to be taken, then the MO will write to the Subject Member and the complainant setting out the reasons for the decision.
- (2) If following consultation the MO decides that the matter should be resolved by informal methods then one or more of the methods set out in the Alternative Resolution Procedure will be followed. This can be found at **Appendix 1** to this Protocol.
- (3) If following consultation the MO decides that the complaint should be investigated, then an IO will be appointed by the MO to conduct the investigation. The IO will deliver a written report to the MO and will appear at any future Hearings Panel if required. **N.B. Only those complaints that are considered serious or significant will be investigated.**
- (4) When the IO's report is received, it will be considered by the MO in consultation with the Chief Executive and IP as appropriate. The report will then be finalised by the MO and referred to the Ethics Committee (see Stage 3 below)

## **5. Stage 3 : The Ethics Committee and Sanctions**

- (1) The Ethics Committee will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.
- (2) The Council has agreed a procedure for local hearings, which is attached as **Appendix 2** to this Protocol. The hearing will be conducted in accordance with that procedure.
- (3) If the Ethics Committee concludes that the Subject Member did not fail to comply with the Code of Conduct, it will dismiss the complaint. If the Ethics Committee concludes that the Subject Member did fail to comply with the Code of Conduct, the Committee will then consider what action, if any, it should take as a result of the Subject Member's failure. In doing this, the Ethics Committee will consider and take into account the views of the IP before coming to a decision.
- (4) In the case of a complaint against a Parish Council member, the Committee can only recommend to the Parish Council what action it should take in respect of a breach from the list of possible sanctions set out in paragraph 5(5) below.
- (5) In the case of complaints against Council members, the Council has delegated to the Ethics Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Ethics Committee may—
  - (i) Decide to take no action;
  - (ii) Publish its findings in respect of the member's conduct;
  - (iii) Send a formal letter of censure to the member;
  - (iv) Report its findings to the Council either for information [or to recommend censure of the member;
  - (v) Recommend to the member's Group Leader that the member be removed from any or all Committees or Sub-Committees of the Council.
  - (vi) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular portfolio responsibilities;
  - (vii) Recommend the MO to arrange training for the member;
- (6) Any recommendation made under (v) to (vii) above will require the cooperation of all parties.
- (7) Where a Subject Member does not accept a sanction which has been imposed upon him/her by the Ethics Committee, the MO shall submit a report to full Council which will then consider what action, if any, it should take as a result of the Subject Member's failure.

## **6. General Provisions**

The Monitoring Officer will have the discretion to manage the complaints process in a reasonable and flexible way. This may require the MO to deviate from the agreed process or requirements where the circumstances of a particular case warrant it.

**1. Purpose of an Informal Resolution**

The aim of an informal resolution is to ensure that the balance between the interests of the Complainant and the rights of the Subject Member are correctly addressed, in a situation where the MO at Stage 1 of the Complaints Protocol has decided this is the manner in which the complaint should be dealt with. It recognises the need for both parties involved to be brought to the table and to have the opportunity to have their point of view considered by the other party.

**2. Consequences of an Informal Resolution**

- (1) If having been submitted, a complaint is referred by the MO at Stage 1 of the Complaints Protocol for an informal resolution, it shall be a binding decision for both parties, and at its conclusion, will result in the closure of the complaint.
- (2) The Council recognises that it has no power to force the parties to submit to an informal resolution, but action may be taken by the Subject Member's Political Group (where applicable) if the Subject Member does not engage with the process. If the Complainant refuses to engage with the process, then the complaint will be regarded as closed with immediate effect.
- (3) Informal resolution is intended to be a flexible, conciliatory process, which can be adapted to be suitable for the particular circumstances of the complaint.

**3. Examples of Informal Resolution**

Examples of informal resolution are as follows, but these are purely for guidance and are not an exhaustive list of options:-

- (i) Specialist training on the Code of Conduct or other parts of the Constitution as may be deemed necessary by the MO
- (ii) Mediation by the MO between the parties, either by face to face meeting or in the form of one to one meetings
- (iii) Mediation by the Independent Person or Chair of Ethics Committee, with the assistance of the MO
- (iv) Mediation by the Political Group Leaders, with the assistance of the MO
- (v) Delivery of personal apologies, either in writing or verbally, in private or in public
- (vi) Relinquishing of a role on a voluntary basis for a period of time

#### **4. Factors to be Taken into Account When Considering Whether informal Resolution is Appropriate**

Informal resolution may be especially suitable where, in the opinion of the MO, the complaint has arisen out of a set of circumstances where it is likely that-

- (i) the parties may reach an amicable agreement if direction is given; or
- (ii) the complaint was the result of a simple confusion or misunderstanding of the principles or rules governing the Code of Conduct either by the Subject Member or the Complainant; or
- (iii) where there is another non-complex explanation for the alleged misconduct; or
- (iv) either or both of the parties would be satisfied if an explanation and apology were offered and delivered; or
- (v) where it is apparent that the complaint arises from the Subject Member's relative inexperience as a member; or
- (vi) where the Subject Member has admitted the alleged misconduct and expressed a willingness to engage in specialist training or other conciliation with the complainant.; or
- (vii) where both the Complainant and the Subject Member are members of the Council and need to continue an effective working relationship for the benefit of their constituents; or
- (viii) where the Complainant is an officer of the Council and there is therefore a necessity to continue an effective working relationship

#### **5. Monitoring Officer's Discretion**

- (1) The MO will have absolute discretion over the proposed informal resolution, and may at any stage bring the process to a close if the resolution is not achieving the expected result. In these circumstances the MO will refer the matter back to Stage 1 of the Complaints Protocol and a decision will be made as to whether the complaint should instead proceed to an investigation, take different action or whether no further action should be taken.
- (2) The MO will liaise with the Chair of the Ethics Committee to determine administration and process for the informal resolution as required.
- (2) Informal resolution will take place in private, but the outcome when achieved, will be reported to the Ethics Committee where appropriate.

**1. Introduction and General Notes**

- 1.1. The aim of the Ethics Committee Hearings Procedures is to ensure that complaints against members are dealt with fairly and efficiently for both the Complainant and the Subject Member.
- 1.2 All hearings before the Ethics Committee will be in public, unless the MO advises the Committee it must retire to consider an item in private.
- 1.3 Given the relative informality of proceedings, it is not envisaged that legal representatives will be required, and it should be regarded as the exception. The Chair of the Ethics Committee will have the discretion to allow legal representatives to take part in the proceedings.
- 1.4 All decisions of the Ethics Committee are binding, and there are no rights of appeal through the Council process.
- 1.5 A hearing before the Ethics Committee will only be convened where an Investigating Officer's report has been delivered to the parties and either the Complainant or Subject Member do not accept the IO's recommendations.
- 1.6 If the Ethics Committee concludes that the member did fail to comply with the Code of Conduct, the Committee will then consider what action, if any, it should take as a result of the member's failure. In doing this, the Ethics Committee will consult the IP before coming to a decision. In the case of a complaint against a Parish Council member, the Committee can only recommend to the Parish Council what action it should take in respect of a breach from the list of possible sanctions set out in paragraph 5(5) below.
- 1.7 The decision will then be communicated in writing to both parties and published on the council's website or elsewhere where the Committee considers it appropriate.
- 1.8 If the IO finds that no breach has occurred, and both parties accept this, no further action will be taken.

**2. Purpose of Pre Hearings Procedure**

2. 1 In order for the Ethics Committee to be effective, the parties must follow the Pre Hearings procedure. The procedure is intended to encourage : -
  - The early identification of what is agreed and not agreed by the parties
  - The parts of the IO report which are in dispute and which may therefore require the attendance of the IO and any witnesses he has utilised in drawing up his report
  - A speedy and efficient disposal of the complaint on the day of the hearing
  - The overriding objective of ensuring complaints are dealt with fairly, expeditiously and with due regard to the costs involved

2.2. The following procedures have been agreed as a guide for the fair disposal of a complaint, following an investigation. They are intended to assist all parties in understanding the process and preparing for the Ethics Committee. The MO, in consultation with the Chair of the Committee may alter these procedures for a single complaint, either at the start of or during the Pre Hearing Procedure or during the Ethics Committee itself.

### **3. Pre Hearings Procedure**

3.1 The MO will circulate the final version of the IO's report to the Complainant and the Subject Member.

3.2 Each party must produce a Response to the IO's report and deliver a copy to the MO and each other.

The response must: -

- Identify any areas of disagreement by reference to the paragraph number
- State what it is the party says the correct case should be instead of what the IO says
- Attach any evidence the party wishes the Ethics Committee to take into account when determining the case
- State whether or not the party wishes to attend the Ethics Committee together with reasons why this is necessary
- Attach a copy of the submissions the party wishes to make to the Ethics Committee

3.3 The MO must receive the above document within 21 days of the final version of the IO's report having been sent out to all the parties.

3.4 If either or both parties submits a Response, and there are areas of disagreement which in the view of the MO merit a Ethics Committee meeting, then the MO will arrange for the Committee to meet.

3.5 Only those matters referred to in the Response will be considered by the Ethics Committee, save in exceptional circumstances. It is vital that each party states their areas of disagreement and sets out their case, **as the matter will only proceed to a Ethics Committee where there are real areas of dispute. It will be exceptional for the Ethics Committee to allow a party to raise a new issue which they have not already referred to in their Response.**

3.6 Once the MO has received the Response from both parties, a case summary and a chronology will be prepared for the benefit of the Ethics Committee if the MO considers this would be helpful.

3.7 The MO will also request a response in writing from the Independent Person, to the IO's report, which will be added to the documents for the Ethics Committee (see below)



#### **4. Timetable**

4.1 The Ethics Committee will be convened to consider the complaint within 2 months of the IO's final report being delivered to the parties in accordance with (x) above

4.2. The Ethics Committee will have a Hearings Bundle, which will contain: -

The Investigating officers report  
The Response of the complainant  
The Response of the elected member  
The MO's case summary & a Chronology (if the facts are complicated)  
The views of the Independent Person

4.3 The Hearings Bundle will be delivered to the members of the Committee when the agenda for the meeting is published.

4.4. The Chair of the Committee may, on receipt of the documents, set out a draft agenda for the day's events and circulate this to all parties.

4.5. All documents will be published subject to the requirements of Freedom of Information and Data Protection.

#### **5. Procedure at the meeting of the Ethics Committee**

5.1 The procedure for the day will be in the discretion of the Chair, and may be adapted either before the day, from the agenda sent out, or on the day itself.

5.2 Oral evidence at the hearing will not generally be allowed. The Chair of the Ethics Committee will have the discretion to allow oral evidence.

5.3 Where either the Complainant or Subject Member are not present at the hearing, the Ethics Committee will have the option to continue to consider and make a decision on the complaint where they have all the necessary information needed or adjourn to a further date.

5.4 The Committee will review the Hearings Bundle and may adopt the following procedure: -

- Preliminary matters such as declarations of interest, quorum, public nature of proceeding etc
- Introduction of the IO's report by the IO or MO and statement of areas of dispute (if any)
- Consideration of Complainant's submissions any witnesses/evidence allowed
- Consideration of Subject Member's submissions and any witnesses/ evidence allowed

- Consideration of the views of the Independent Person
- Advice from the MO on any legal issues raised
- Consideration of whether or not the disputed areas of the report are accepted by the Ethics Committee or not
- Determination of breach of Code or not

5.5 In the event the Ethics Committee consider a breach has occurred, it may adjourn to consider what action it should take from the list of possible sanctions set out in paragraph 5(5) of the Complaints Protocol.

5.6 It may review any documents sent in by the Subject Member, or hear from the Subject Member on a case of 'mitigation' if it considers appropriate.

5.7 It may adjourn to require the Subject Member's attendance, if it considers it would be just to do so in advance of any censure/ sanction.

5.8 In the case of a complaint against a Parish Council member, the Committee can only recommend to the Parish Council what action it should take in respect of a breach from the list of possible sanctions set out in paragraph 5(5) below.

5.9 In the event the Ethics Committee determines there has not been a breach of the Code, then it shall announce the decision accordingly and direct that the MO will inform both the Complainant and the Subject Member as soon as possible after the meeting.

5.10 In both cases of breach and non breach, the MO will send out a note of the decision (called the Full Decision), and the reasons for it, within 14 days of the determination, The Full Decisions must be agreed with the Chair, prior to dispatch to the parties. The Full Decision will also be published on the authority's website, on the same date that it is dispatched to the parties.



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20<sup>th</sup> February 2014

Ethics Committee

**Executive Director Approving Submission of the report:**  
Executive Director, Resources

**Ward(s) affected:**  
**Not applicable**

**Title:**  
Work programme for the Ethics Committee

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**Is this a key decision?**  
No

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**Executive Summary:**

This report is to suggest areas of work for the Ethics Committee for the rest of the current Municipal Year, and for the Municipal Year 2014-2015

**Recommendations:**

The Ethics Committee is recommended to

1.1 approve the draft work programme attached as Appendix 1 ;

1.2 delegate responsibility for reviewing and amending the work programme to the Assistant Director, Legal and Democratic Services in consultation with the Chair of the Ethics Committee

**List of Appendices included:**

Draft work programme

**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

## **1. Context (or background)**

1.1 The Council's Ethics Committee was set up following the new standards regime under the Localism Act 2011. The Committee has only met once since the new regime has been in force, on the 30<sup>th</sup> August 2012, when it adopted the new Complaints Protocol following the introduction of the Council's new Code of Conduct.

1.2 The Committee's Terms of Reference are set out in section 2.9.1.6 of the Council's Constitution and include the consideration of matters which are relevant to the ethical governance of the Council, its members or employees. This report attaches a proposed programme of work for the Committee, in order that it may meet its objectives set out in the Terms of Reference and ensure the Council complies with its obligations under section 27 of the Localism Act 2011, which requires it to promote and maintain high standards of conduct amongst elected and co-opted members.

## **2. Options considered and recommended proposal**

2.1 The Committee's draft work programme takes account of the need to promote standards and addresses this in a number of ways. It is a draft work programme and is flexible in terms of suggestions from members of the Ethics Committee as to additional or substitute areas which they would want to consider and receive reports on. However, certain items have been included which will help the Committee focus on its key aim to promote high standards of conduct for all members and employees of the Council.

2.2 First it is proposed that there is a standing item for each meeting, by way of a Monitoring Officer / Code of Conduct update, which will incorporate a review of complaints to date and an update on any national issues on the subject of elected member conduct which may be of interest. This will be flexible and can cover additional areas which the Committee is particularly concerned about, as they arise.

2.3 Secondly it is proposed that the Ethics Committee have an overview of Gifts and Hospitality for both officers and members, in order that it may review how the two Codes of Conduct are being put into effect on a day to day basis, and suggest improved or different practices as it may consider to be appropriate.

2.4 Thirdly, items have been included to ensure a review of the position of the parish councils, a review of the Register of Disclosable Pecuniary Interests and during the next Municipal Year 2014-2015, a review of any Annual Report from the Committee on Standards in Public Life.

## **3. Results of consultation undertaken**

3.1 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**

4.1 Not Applicable

## **5. Comments from Executive Director, Resources**

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, as there is no statutory obligation on the Committee to adopt a work programme. However, the Council must comply with its obligations under section 27 of the Localism Act 2011 and adopting a clear programme of work would assist in compliance for the Council as a whole, in its duty to promote high standards of ethical conduct.

**6. Other implications**

None

**6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

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?**

If implemented, the work programme should impact on the promotion of high standards in public life in accordance with the Localism Act, as it will enable the Committee to monitor behaviour across the Council and recommend changes in practice where these may be required as a result of issues or problems of an ethical nature.

**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) the environment**

None

**6.6 Implications for partner organisations?**

None at this stage

**Report author(s): Christine Forde**

**Name and job title:** City Solicitor and Assistant Director, Legal and Democratic Services

**Directorate:** Resources

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Gurdip Paddan	Governance Services Officer	Resources	6.12.13	6.12.13
Christine Goodwin	Senior Lawyer, Corporate Governance and Litigation Team	Resources	15.11.13	6.12.13
Other members				
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Finance: Name	Neil Chamberlain	Resources	5.12.13	6.12.13
Legal: Name	Christine Forde	Resources	15.11.13	6.12.13
Director: Name	Chris West	Resources	6.12.13	10.12.13
Members: Name	Councillor Hetherton	Chair of Ethics Committee	6.12.13	11.12.13

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

## Appendix 1

### Draft Work Programme for remainder of Municipal Year 2013/14, and new Municipal year 2014/2015

Meeting no. and date	Topics	Verbal or written	Lead officer
<b>5. 20<sup>th</sup> December 2013</b>	Standards in Public Life- update from national body, new Government Guidance	Written	Christine Forde
	Code of Conduct update- adoption of new complaint form, review of national complaint cases	Written	Christine Forde
	Proposed Work Programme for Ethics Committee for next Municipal Year	Written	Christine Forde
	Recruitment of independent person update.	Verbal	Christine Forde
<b>6. 28<sup>th</sup> March 2014</b>			
	Annual Report on the work of the Ethics Committee, for presentation to Full Council at next meeting  Possible review of Terms of Reference of Ethics Committee	Written	Christine Forde
	Gifts and Hospitality for Officers- Adoption of possible new forms /Register and review of guidance note	Written	Christine Forde
	Monitoring Officer/Code of Conduct Update	Written	Christine Forde
	Gifts and Hospitality for Members- review of declarations during 2012-2013 Municipal Year	Written	Christine Forde
<b>2014/2015</b>			
<b>1.</b>	Adoption/Review of Ethics Committee Work Programme for 2014/15, consideration of training needs for Ethics Committee Members	Written	Christine Forde
	Monitoring Officer/Code of Conduct / Member Complaints Update	Written	Christine Forde
<b>2.</b>	Gifts and Hospitality for Members- review of declarations made so far in 2014-15	Written	Christine Forde
	Code of Conduct for Employees-	Written	Christine Forde



<b>Meeting no. and date</b>	<b>Topics</b>	<b>Verbal or written</b>	<b>Lead officer</b>
	review of its operation over the last 12 months and any review recommendations		
<b>3.</b>	Officers Gifts and Hospitality - Inspection of Registers for first 6 months of 2014/2015	Written	Christine Forde
	6 monthly review of Register of DPIs and Parish compliance with Localism Act 2011	Written	Christine Forde
	Monitoring Officer/Code of Conduct / members Complaints Update/ consideration of training needs of elected members on ethical standards issues	Written	Christine Forde
<b>4.</b>	Standards in Public Life- update from national body usually published in August each year	Written	Christine Forde
	Monitoring Officer/Code of Conduct / members Complaints Update	Written	Christine Forde

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**Ethics Committee  
Council**

20<sup>th</sup> February 2014  
18<sup>th</sup> March 2014

**Director Approving Submission of the report:**  
Executive Director, Resources

**Ward(s) affected: N/A**

**Title:**  
**Appointment of Independent Person**

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**Is this a key decision? No**

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**Executive Summary:**

The Localism Act 2011 requires the Council to appoint at least one independent person whose views will be sought when making decisions about allegations that councillors have breached the Council's Code of Conduct.

**Recommendations:**

That Ethics Committee recommends Council appoints Ken Sloan as the Independent Person under section 28 of the Localism Act 2011 with immediate effect.

**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?**

Yes

## **Report title: Appointment of Independent Person.**

### **1. Context**

- 1.1 The Localism Act 2011 contains provisions relating to ethical standards, which replaced the previous arrangements under the Local Government Act 2000.
- 1.2 The Act requires councils to have arrangements in place to investigate and make decisions on allegations that a councillor has breached the code of conduct. The arrangements to make decisions on allegations must include provision for the appointment of one or more 'independent person' through a transparent process, by advertisement and application. A Member, Co-opted Member or Officer of the authority or a relative or close friend of such person cannot be appointed as an "independent person". In addition, a person cannot be appointed as an "independent person" if at any time during the 5 years before the appointment, the person was a Member, Co-opted Member or an Officer of the authority.
- 1.3 The Council must seek and take into account the views of the independent person's views before reaching a decision about an allegation which it has decided to investigate. The Member against whom a complaint is made may also seek the views of the independent person. Whilst the independent person must be consulted, he/she has no vote or binding authority in any determination process with regard to a complaint.
- 1.4 At the Cabinet Member Meeting (Community Safety and Equalities) on 3<sup>rd</sup> October 2013 the Assistant Director (Legal and Democratic Services) was authorised to advertise for up to three independent persons. Advertisements were placed on the Council's website in November 2013 and four applications were received. An interview panel was set up consisting of the Deputy Leader of the Council, the Chair of Ethics Committee, the Leader of the Opposition, the Executive Director Resources and the Corporate Governance & Litigation Manager. Three candidates were invited to interview on 21<sup>st</sup> January 2014 and the Panel decided to recommend the appointment of Ken Sloan through this Committee and Council on 18<sup>th</sup> March 2014.

### **2. Options considered and recommended proposal**

- 2.1 Section 28 of the Localism Act 2011 places a duty on councils to appoint at least one independent person. This is therefore the only option available to the Council. Section 28(8)(c) of the Act requires the vacancy for an independent person to be advertised in such manner as the authority consider is likely to bring it to the attention of the public. A person cannot be appointed as an independent person unless they have submitted an application for the vacancy and their appointment has been approved by a majority of members of the authority.
- 2.2 Section 2.9.1.6 of the Council's Constitution requires any appointment of the independent person to be recommended by the Ethics Committee to Full Council. Section 28(8)(iii) of the Localism Act 2011 requires the appointment of the independent person to be approved by a majority of members of an authority.

### **3. Results of consultation undertaken**

None

### **4. Timetable for implementing this decision**

- 4.1 Should the recommendations be approved the appointment will take immediate effect.

## **5. Comments from Executive Director, Resources**

### **5.1 Financial implications**

The role of Independent Person is voluntary but reasonable expenses will be paid. These costs will be met from current budgetary provision.

### **5.2 Legal implications**

The Council must appoint at least one independent person by section 28 of the Localism Act 2011.

## **6. Other implications**

None

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The appointment of an independent person will contribute to the openness and transparency of the Council's ethical standards arrangements by providing external views on complaints against councillors.

### **6.2 How is risk being managed?**

The key risk in relation to this process was that suitable persons would not come forward to undertake this role. Once the appointment is accepted, then any risk will be limited to conflicts of interest, which should be rare, but if they arise, will need to be determined on an individual case by case basis. In the event of a conflict, the Council will need to secure an alternative view, which can be achieved through informal sharing arrangements with other councils, if required.

### **6.3 What is the impact on the organisation?**

Arrangements for dealing with allegations of breaches of the Code of Conduct will comply with the Localism Act 2011.

### **6.4 Equalities/EIA**

The recruitment and advertisement process complies with section 28 of the Localism Act 2011.

### **6.5 Implications for (or impact on) the environment**

None

### **6.6 Implications for partner organisations?**

None

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