

**Time and Date**

10.00 am on Friday, 29th August, 2014

Place

Committee Room 1 - Council House

Public Business

1. **Apologies**
2. **Declaration of interests**
3. **Minutes** (Pages 3 - 6)
 - (a) To agree the minutes of the meeting held on 20 February 2014
 - (b) Matters Arising
4. **Code of Conduct - Update** (Pages 7 - 20)

Report of the Assistant Director (Legal and Democratic Services)
5. **Ethics Training for Members** (Pages 21 - 30)

Report of the Assistant Director (Legal and Democratic Services)
6. **Review of arrangements for Members Gifts and Hospitality** (Pages 31 - 48)

Report of the Assistant Director (Legal and Democratic Services)
7. **Work programme for the Ethics Committee** (Pages 49 - 54)

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

Chris West, Executive Director, Resources, Council House Coventry

Wednesday, 20 August 2014

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

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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Coventry City Council
Minutes of the Meeting of Ethics Committee held at 10am on
Thursday 20th February 2014

Present:

Members

Councillor P Hetherton (Chair)
Councillor A Andrews
Councillor C Fletcher
Councillor K Mulhall

Employees (by Directorate)

Resources:

C Forde, C Goodwin, G Paddan

Apologies:

Councillor D Gannon

Public Business

1. Declarations of Interest

There were no declarations of interest.

2. Minutes

- a) The minutes of the meeting held on 30 August 2012 were signed as a true record.
- b) There were no matters arising.

3. Annual Report on Standards in Public Life

The Committee received a report of the Assistant Director (Legal and Democratic Services), which outlined the matters raised in the Annual Report for 2012-13 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.

The report set out that Committee on Standards in Public Life ('the Committee') was set up in 1995 and its current terms of reference were '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..'

In January 2013, the Committee issued its fourteenth report entitled "Standards Matter: a review of best practice in encouraging good behaviour in public life" (copy attached as an Appendix to the report), a comprehensive report but containing commentary, recommendations and decisions relevant to the local government standards regime.

The Committee discussed the procedures and policies that were in place within the Council to support standards of conduct. It was noted that in some circumstances these standards were miscalculated in terms of personal integrity and responsibility. Consideration was given to ways of making improvement and increasing good ethical behaviour; with a focus on the importance of training on ethical standards. The role of social media within the public sector was discussed in terms of its effect on the public.

RESOLVED that after due consideration of the report and the matters raised at the meeting, the Ethics Committee:

- a) Note the content of the report;**
- b) 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;**
- c) Direct the Assistant Director (Legal and Democratic Services) to develop a training programme for the next Municipal Year on 'Ethical Standards in Public life' for approval by the Ethics Committee for Member training.**

4. Code of Conduct – update

The Committee considered a report of the Assistant Director (Legal and Democratic Services), which suggested a new complaint form be added to the Council's website in relation to complaints against elected and co-opted members. The report also set out a summary of three cases determined under the new complaints regime from other authorities.

It was noted that since the abolition of Standards for England there has been no national body overseeing local assessment of complaints and therefore no national statistics were available. The report made reference to three cases of unacceptable behaviour of members; two of which were determined by Cornwall Council and published on www.cornwall.gov.uk/standards.

The complaint form was reviewed and it was agreed to include the additional wording on the first bullet point '...unless there are special circumstances'.

RESOLVED that after consideration of the report and matters raised at the meeting the Ethics Committee:

- a) Approves the new complaint form at Appendix 1 with the addition to the first bullet point 'unless there are special circumstances' (attached to the report) and any consequential changes to the Council's webpage.**

- b) 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 of the Ethics Committee.**

5. Draft Work Programme for Ethics Committee

The Committee received a report of the Assistant Director (Legal and Democratic Services), which suggested areas of work for the Ethics Committee for the rest of the current Municipal year and for the Municipal Year 2014-15.

The report detailed the Committee's Terms of Reference, as set out in section 2.9.1.6 of the Council's Constitution and included the consideration of matters which were relevant to the ethical governance of the Council, its members or employees. Attached to the report was a proposed programme of work for the Committee to consider in order that it was able to meet its objectives set out in the Terms of Reference and ensure the Council complied with its obligations under section 27 of the Localism Act 2011.

The Committee gave consideration to the draft work programme having taken into account the need to promote standards and maintain high standards of conduct. The draft work programme, as circulated, was 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. The three proposals were:

- 1) A standing item for each meeting, by way of a Monitoring Officer/Code of Conduct update.
- 2) Ethics Committee having an overview of Gifts and Hospitality for both officers and members. This would enable the Codes of Conduct for Officers and Members to be reviewed to establish if they were being put into effect on a day to day basis and allow improved or different practices to be considered by the Committee.
- 3) Reviews of the position of the parish councils, a review of the Register of Disclosable Pecuniary Interests and during the next Municipal Year 2014-15, a review of an Annual Report from the Committee on Standards in Public Life.

Further consideration was given to items listed within the draft work programme for March 2014 in respect of 'Gift and Hospitality for Members, in terms of review of declarations during 2012/13 Municipal Year. It was suggested that the declaration of interests form be reviewed.

RESOLVED that the Ethics Committee:

- a) **Approve the draft work programme attached to the report;**
- b) **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.**

6. Appointment of Independent Person

The Committee considered a report of the Assistant Director (Legal and Democratic Services), in respect of the 'Appointment of Independent Person'.

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

The Act requires councils to have in place arrangements to investigate and make decisions on allegations that a councillor had 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'.

It was noted that the interviews were held on 21st January 2014 and the Interview Panel decided to recommend the appointment of Ken Sloan through this Committee and Council on 25th February 2014.

Under Section 2.9.1.6 of the Council's Constitution, requires that any appointment of the Independent Person to be recommended by the Ethics Committee to Full Council.

RESOLVED, that after due consideration of the report, the Ethics Committee recommends that Council appoints Ken Sloan, as the Independent Person under section 28 of the Localism Act 2011 with immediate effect.

7. Any other items of public business which the Chair decides to take as matters of urgency because of special circumstances involved

There were no other items of public business.

(Meeting closed at 11.30am)



29th August 2014

Name of Cabinet Member:
Ethics Committee

Director Approving Submission of the report:
Executive Director, Resources

Ward(s) affected:
None

Title:
Code of Conduct update

Is this a key decision?
No

Executive Summary:

This report updates members of the Ethics Committee on alleged and upheld breaches of member codes of conduct on a national and local level.

Recommendations:

The Ethics Committee is recommended to:

1. Consider the cases referred to within the report and make any consequential recommendations deemed appropriate.

List of Appendices included:

None

Other useful background papers can be found at the following web addresses:
<https://www.gov.uk/government/collections/code-of-practice-on-local-authority-publicity>

<http://thanet.gov.uk/media/1496880/Thanet-CPC-Final-Letter-280414.pdf>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Code of Conduct update

1. Context (or background)

1.1 The Council's Ethics Committee met on 20th February 2014 and it was agreed that the Monitoring Officer would provide a regular update on cases relating to the Members' Code of Conduct on a national basis. This is to facilitate the Ethics Committee's role in assisting the Council with its duties under section 27 of the Localism Act 2011 to promote and maintain high standards of member conduct.

1.2 The national picture

1.2.1 Since the abolition of the Standards Board for England, national statistics and case reports are no longer collated. Therefore the cases reported are taken from general research.

1.2.2 Cases reviewed include consideration of alleged breaches on the disclosure of confidential information, failure to comply with aspects of a local Code on declaring interests, and bringing the office of councillor into disrepute. The cases also include reduction by the High Court of a disqualification period for a member, the result of a Peer Review on a Council where the Standards Committee independent members had resigned en masse (as referred to in the report to the last meeting on 20th February 2014), and the issue of notices by the Secretary of State for alleged breaches of the Local Authority Publicity Code. Extracts from the published record of cases, where available, have been attached as an Appendix to this report and with an overview set out below.

1.2.3 Disclosure of Confidential Information

The Standards Committee of Stockton on Tees Borough Council issued a decision notice on 2nd May 2014 following a hearing of a complaint against a councillor. The Committee found that the Councillor had breached paragraph 6 of the Council's Code of Conduct which requires Members not to disclose information provided to them in confidence. He had disclosed, through his blog, counsel's opinion obtained in connection with a planning appeal when under express instructions not to do so. The Committee imposed the following sanctions:

- Publication of the Decision Notice in a prominent place in the Council's building and the Council's website;
- Report of the decision be made to Full Council and the Planning Committee (of which the Councillor was a member);
- An undertaking be sought from the Councillor that the behaviour would not be repeated, and if not provided, the Councillor be prevented from receiving any exempt, confidential or legally privileged council information for the remainder of his term of office;

- Appropriate advice and guidance be given regarding paragraph 6 of the Code (relating to disclosure of confidential information) and a further copy of the Council's Confidential Information Protocol; and
- Copies of the Protocol to be re issued to all Members.

The Committee took account of the fact the breach was deliberate and, not only was no remorse or an apology shown or given, the Councillor had stated he would repeat the behaviour again.

1.2.4 Declaration of interests, failing to treat others with respect and bullying

On 15th May 2014, East Devon District Council's Hearings Sub Committee issued a Decision Notice in relation to a complaint against a Newton Poppleford and Harpford Parish Councillor. The Councillor was found to have breached the paragraphs of the Code of Conduct relating to personal interests, treating others with courtesy and respect and not bullying others.

The Sub Committee concluded that the Councillor had acted improperly by declaring a personal interest (not a DPI) and then seeking to influence the decision of the Council on that business. Whilst they did not find he had acted in his private interest, they found that there had been a conflict and he had not taken steps to resolve it in such a way as to properly protect the public's interest. He had therefore breached the Code by having a personal interest in planning application land and, by speaking and voting, he has sought to influence improperly the decision relating to the land.

The Sub Committee did not impose any sanction on the Councillor. Instead they followed their normal procedures of publishing the decision on their own and the Town Council's website and issuing a direction that training is offered to all members of the Town Council on governance issues.

1.2.5 Bringing the office of Councillor/authority into disrepute

In a second case, East Devon District Council's Hearings Sub Committee on 24th April 2014 issued sanctions against a Councillor following comments she made at Exmouth Town Council's Annual Meeting during the acceptance speech of the new Mayor and subsequent parts of the meeting. She told the Mayor she was not interested in what he had to say, she had not voted for him and would never support him. The sanctions imposed included

- censure and reprimand
- apology to be delivered at the next Town Council meeting,
- publication of findings and
- guidance and training from the Monitoring Officer.

The Sub Committee took particular note of the Investigating Officer's view that to cause interruptions at such a ceremonial occasion was especially unreasonable

and that in doing so the Councillor had brought the office and/ or Council into disrepute.

1.2.6 Disqualification

On 15th May 2014 the High Court (Administrative Court) delivered its judgement on an appeal concerning the imposition of a disqualification order imposed against an elected member of a Welsh Council. The disqualification was imposed prior to the implementation of the Localism Act.

The Councillor was originally disqualified after a 58 day hearing of the Adjudication Panel for Wales concerning allegations that in 2007-2009 he failed to show respect and consideration for officers of the Council by using bullying and harassing behaviour. The Councillor exercised his right to appeal to the High Court which considered a number of issues including the evidential test, freedom of speech and sanctions imposed. Whilst in a different jurisdiction, the issue of the judgment confirms that the correct burden of proof to be applied in cases involving alleged breaches of the various codes of conduct is the balance of probabilities test, and not, (as the elected member put forward), the criminal burden, beyond all reasonable doubt.

The judgment also re-affirmed that Members could rely on the principles of free speech in political debate when defending disrepute allegations, but set in context what was regarded as acceptable and what was not. The Court reduced the disqualification period from 2 ½ years to 18 months, as it considered the period of disqualification imposed to be excessive in all the circumstances.

Whilst there is nothing new in the judgment, it is useful for members of this Committee to be familiar with the principles used by the High Court when reviewing sanctions imposed on elected members i.e. the minimum sanction consistent with the aims of maintaining standards in public life, and the evidential test which should be applied if determining allegations of breach of the Code of Conduct, namely on the balance of probabilities.

1.2.7 Peer Review

At the meeting on 20th February 2014, it was reported that the independent members of Thanet District Council's (TDC) Standards Committee had resigned following a report issued on the behaviour at Council meetings and the general culture of mistrust and disrespect at the Council.

A Local Government Association (LGA) Peer Review has since taken place at the Council, and its findings call on the Council to address the 'toxic' behaviour of members.

An extract from the Peer Summary is set out below:-

..... you have not addressed some behaviours which we described as 'toxic'. We found examples of antagonism, hostility, homophobia and discourtesy in the way that some councillors behave. There is an unwillingness to respect the

confidentiality of some aspects of council business which are appropriately confidential. Many unfounded allegations have been made against senior officers who, whilst being held to account, are also owed a duty of care by the council. This behaviour must be tackled if you are going to improve community confidence in the council.....

We heard some views that implied that the Council's reputational difficulties were entirely the result of the behaviour of a small number of councillors. Whilst we agree that some of those behaviours are extremely corrosive, we witnessed the poor behaviours of many other councillors during our visit. Barracking, bullying and talking over others are behaviours which also damage the council's reputation. There are things that all councillors can and should do to set an example and improve the reputation of the council including listening respectfully to the contributions of others, avoiding the use of personal insults and involvement in councillor training and development. A change in behaviour will help to change your reputation.

An improved reputation built on new standards of behaviour is the most important challenge you face'

The Review was published on 28th May 2014, following visits from 11th to 13th March 2014, and on 12th May 2014 the Council's Leader resigned, referring to the fact that the actions of a tiny minority of councillors had overshadowed all the good work of the council, its staff and its partners in incredibly difficult times for the district.

Following the Peer Review it has been recommended that the council seek the advice of the LGA 'particularly in respect of the most extreme behaviours' and that there should be compulsory training for members on equalities.

1.2.8 Publicity

Members of the Ethics Committee will be familiar with the Code of Recommended Practice on Local Authority Publicity, which came into force on 31st March 2011. The Secretary of State for Communities took steps under the newly enacted Local Audit and Accountability Act 2014 by serving Notices of Intention to serve directions under section 4A of the Local Government Act 1986 on 5 London based Councils. The Councils (Royal Borough of Greenwich, Hackney Council, Tower Hamlets Council, Newham Council and Waltham Forest Council) had allegedly not complied with the Code which requires publicity to be in compliance with the following 7 principles that publicity must be :-

- be lawful
- be cost effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- issued with care during periods of heightened sensitivity.

It is not clear why the Councils are alleged to have breached the Code. However, information on one council's website suggests that it may be because the councils were seen as publishing their in-house newsletters/magazines more frequently than the four times a year recommended in the Code of Recommended Practice. The notices (dated 17th April 2014) required a response by written representations within 14 days, after which the Secretary could issue a Direction, which if not complied with, could result in proceedings to require compliance by Court order, enforced by contempt of Court proceedings. At the time of writing, the outcome of this matter is not yet known. This will be reported to a future meeting of the Committee.

1.3 The local picture

1.3.1 At the meeting on the 20th February, the Ethics Committee also requested that the Monitoring Officer report regularly on any complaints received relating to Members of Coventry City Council.

1.3.2 The Monitoring Officer has dealt with three complaints under the Council's Complaints Protocol, since the date of the last Committee meeting:

- (a) a written complaint which was found to relate to a service complaint rather than against a member. It has been dealt with under Stage 1 of the Complaints Protocol;
- (b) another complaint where the Monitoring Officer is seeking to establish whether the complainant wishes to add anything to the original complaint; and
- (c) an initial contact by telephone awaiting a written complaint.

1.3.3 There have been no complaints about co-opted members or members of Keresley and Allesley Parish Council.

1.3.4 At the last meeting the Committee requested that the Council's website be updated in relation to the Code of Conduct and in particular how to make a complaint against Members. This work has now been done and the approved Complaints Form and Complaints Protocol have been uploaded onto the Council's website. They can be found under the following link:
http://www.coventry.gov.uk/info/354/council_meetings/776/standards_committee

2. Options considered and recommended proposal

Members of the Committee are asked to:

- (a) Note the cases determined under the new regime nationally and delegate any actions arising from these to the Assistant Director Legal and Democratic Services in consultation with the Chair of the Ethics Committee; and
- (b) Note the local position relating to the operation of the Council's Code of Conduct and to delegate any actions arising from these to the Assistant Director, Legal and Democratic Services in consultation with the Chair of the Ethics Committee.

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 relevant

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. The issues referred to in this report will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

6 Other implications

None

6.1 How will this contribute to 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 Goodwin/Carol Bradford

Name and job title: Senior Lawyer/Locum Legal Officer, Place & Regulatory Team,
Legal and Democratic Services

Directorate: Resources

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Gurdip Paddan	Governance Services Officer	Resources	18/08/14	20/08/14
Helen Lynch	Place and Regulatory Manager, Legal Services	Resources	13/08/14	18/08/14
Adrian West	Democratic and Member Services Manager	Resources	18/08/14	19/08/14
Names of approvers for submission: (officers and members)				
Finance: Melanie Thornton	Finance	Resources	18/08/14	18/08/14
Legal: Christine Forde	Assistant Director Legal and Democratic Services	Resources	18/08/14	19/08/14
Director: Christine Forde for Chris West		Resources	18/08/14	19/08/14
Members: Councillor Hetherington	Chair, Ethics Committee	Elected Member	20/08/14	

This report is published on the council's website:
www.coventry.gov.uk/councilmeetings

STOCKTON ON TEES BOROUGH COUNCIL: STANDARDS PANEL

SHORT WRITTEN DECISION:

1. SUMMARY OF ALLEGATION

That Councillor Mark Chatburn (“the Councillor”) disclosed legally privileged information, namely Counsel’s Opinion, given in confidence to Members of Stockton on Tees Borough Council’s (“the Council”) Planning Committee in connection with an application for planning permission for residential development (13/2184/OUT) in relation to a site at Urlay Nook Road, Eaglescliffe, Stockton on Tees.

2. RELEVANT SECTION OR SECTIONS OF CODE OF CONDUCT

That as a result there was a breach of paragraph 6 of the Council’s Code of Conduct for Members.

3. SUMMARY FINDINGS OF FACT

- (i) The Councillor was sent a legally privileged advice note prepared by Counsel and this was provided to him in confidence under cover of a letter dated 5 November 2013. The letter included specific advice that the legal advice was exempt information and “must not be shared with anyone who is not also a Member of the Planning Committee as this would be a breach of the Members’ Code of Conduct and may further prejudice the Council’s position at the forthcoming appeal”.
- (ii) The Councillor did not seek advice from any Council Officer as to whether the publication of the privileged legal advice was appropriate, whether it may be in breach of the Code or whether it may prejudice the Council’s position in relation to the current planning appeal.
- (iii) The Councillor did not obtain written authority from the Council to disclose the information by the publishing of the privileged legal advice.
- (iv) On 9 November 2013 the Councillor published a blog posting entitled “How Stockton Council is trying to manipulate its own Planning Committee” which included an un-redacted copy of the privileged legal advice from Counsel which had been provided to the Councillor in confidence as a Member of the Planning Committee.
- (v) On 9 November 2013 the Councillor posted a link to his published blog post and therefore to the privileged legal advice via his Twitter account.
- (vi) The Councillor was acting in his capacity as an elected Member when publishing information on his blog and his Twitter account.

4. SUMMARY FINDINGS AS TO WHETHER THE MEMBER FAILED TO FOLLOW THE CODE

That the Councillor knowingly disclosed privileged legal advice provided to him in confidence, and which was marked as exempt information, and that the publishing of this information constituted a breach of paragraph 6 of the Council’s Code of Conduct for Members.

5. SANCTIONS APPLIED (IF ANY)

The Standards Panel:-

- (i) agreed that the allegation should be considered in public and that there were no justifiable reasons why it should be considered (either partly or wholly) in private.
- (ii) noted that the Councillor was aware of the Panel's meeting, that the meeting had been rearranged to a date he could attend, but that he had not attended.
- (iii) agreed to proceed to consider the allegation in the Councillor's absence.
- (iv) having considered the report of the Investigating Officer, the Investigating Officer's submissions, and having sought and considered the Independent Person's views, determined that the Councillor knowingly disclosed legally privileged advice that had been provided to him in confidence, and which was marked as exempt information under paragraph 5 of Schedule 12A of the Local Government Act 1972; that the publishing of this information in the public domain by placing a copy of the privileged legal advice on the Councillor's blog, and by linking that blog to the Councillor's Twitter account, did not fall within any of the exemptions specified in paragraph 6(a)-(d) of the Council's Code of Conduct for Members, and that it therefore constituted a breach of paragraph 6 of the Code.
- (v) noted the Councillor's unwillingness or refusal to accept responsibility for the breach of the Code, and his unwillingness or refusal to agree to abide by the Code in the future, in similar or the same circumstances.
- (vi) noted that the breach of the Code was deliberate and blatant and that the disclosure was of not just confidential or exempt information, but legally privileged information; and that the breach was aggravated by its likely impact in relation to the planning and appeal process.
- (vii) noted that the Councillor had shown no remorse, but rather to the contrary had indicated that he would do it again without hesitation, and that he had demonstrated scant regard for the pre-hearing and hearing process.
- (viii) considered that the Councillor's actions represented unacceptable behaviour for a Councillor.
- (ix) agreed that a notice, signed by the Chair of the Panel, and summarising the Panel's decision should be sent to the Councillor as soon as reasonably practicable and that a copy of the notice should thereafter be published in a prominent place at the Council's Municipal Buildings, and on the Council's website.
- (x) agreed that details of the Panel's decision should be reported to a full Council meeting and to a meeting of the Planning Committee.
- (xi) determined that the Councillor should be asked to provide written reassurance within two weeks of receiving the written notice of the Panel's decision, that he would not repeat the failure to comply with the Council's Code of Conduct in the same or similar circumstances, and that in the absence of such written reassurance the Councillor should not be provided by, or on behalf of the Council with any exempt, confidential, or legally privileged council information for the remainder of the Councillor's current term of office.
- (xii) agreed that the Councillor should be provided with appropriate advice and guidance regarding paragraph 6 of the Code of Conduct, including a copy of the Council's Confidential Information Protocol.

**EAST DEVON DISTRICT COUNCIL STANDARDS COMMITTEE
DECISION NOTICE**

Complaint Reference: MO-C021

HEARING FINDINGS

Date of Hearing	15 May 2014
Subject Member	Councillor Graham Salter, Newton Poppleford and Harpford Parish Councillor
Complainant	Councillor Chris Cole on behalf of Newton Poppleford and Harpford Parish Council
Investigating Officer	Tim Darsley
Membership of Standards Sub Committee	Cllr Graham Godbeer(Chairman) Cllr Susie Bond Cllr Frances Newth Non-voting Cllr David Mason – Parish/Town Member Tim Swarbrick – Independent Member
Independent Person	John Walpole
Monitoring Officer	Denise Lyon
Legal Advisor to Sub Committee	Henry Gordon Lennox, Principal Solicitor
Democratic Services	Hannah Whitfield, Democratic Services Officer
Summary of complaint	After assessment of the complaint the Monitoring Officer decided that there was sufficient evidence to suggest potential breaches of the Code of Conduct in respect of two of the allegations. These were: <ul style="list-style-type: none"> • After being advised by the EDDC monitoring officers that he has DPI Cllr Salter continued to speak and vote instead claiming he only has a personal interest, under the code of conduct anybody with a personal interest must not try to influence the outcome of the matter under discussion, voting is the ultimate attempt to influence. (Relevant paragraph of the Code: Declaration of interests and participation at meetings, - 8.1-3 Personal interests) • An overall failure to act as a member of the Parish Council. (Relevant paragraphs of the Code: General obligations - 4(a) You must treat others with courtesy and respect and 5(c)You must not bully any person)
Any declarations of interest	None
Hearing in public/availability of relevant documents for public inspection	The Hearing was held in public and agenda papers were made available
Standards Sub Committee decision on whether or not there has been a failure to comply with the Code	The Sub Committee reached a majority decision after carefully considering the relevant material evidence including Councillor Salter's written comments and all the representations presented. In respect of findings of fact, the Sub Committee agreed with the list of undisputed facts in the report of the Investigating Officer.

<p>of Conduct and reasons for their decision</p>	<p>Members of the Sub Committee also considered the disputed facts in detail, noting the Investigating Officer's reasoning as set out in Paragraphs 6.1-12.</p> <p>The Sub Committee came to the following conclusions :</p> <ul style="list-style-type: none"> • Councillor Salter had a personal interest in the matter of the development of land at King Alfred Way by virtue of Paragraph 8.2 of the Code of Conduct. This states that a councillor will also have a personal interest 'where a reasonable person with knowledge of the relevant facts would regard the interest as greater than would affect the majority of residents or inhabitants in the affected area such that it is likely to prejudice your judgement of the public interest'. Councillor Salter declared a personal interest when this was considered and spoke and voted when the planning application was considered on 13 May and 24 June 2013. • Having a personal interest does not necessarily exclude a member from speaking on a matter and voting on it providing that this does not conflict with the principles of the Code of Conduct (1.3 (a), 1.3(f) and 1.7 (set out in full on Page 18 of the Investigating Officer's report). • Paragraph 8.2 of the Code provides a final test of the restrictions on a member when they have an interest - 'where you have any interest in any business of the Council and you attend any meeting at which that business is to be considered, you must not seek to influence improperly any decision about that business'. Seeking to influence would be improper where one or more of the general principles was not adhered to. • The proposed development of up to 40 houses on land at King Alfred Way would have a greater effect on Councillor Salter than on the majority of residents of Newton Poppleford and would have a significant impact on the outlook and amenity of his property. However the Sub Committee did not accept that the development would necessarily impact on his enjoyment of his property. • Although the Sub Committee agreed that in such circumstances it may have been very difficult for Councillor Salter to act solely in the public interest they disagreed with the Investigating Officer that it was inevitable that he was also conscious of and influenced by his own interest. The Sub Committee do find that he acted solely in the public interest. • Notwithstanding that finding the Sub Committee did find that it was not enough to avoid actual impropriety but in this case there could be a suspicion or appearance of improper conduct and he did not avoid the suspicion or appearance of improper conduct. • Accordingly the Sub Committee found that Councillor Salter did have a conflict and did not take steps to resolve this conflict in such a way to protect the public interest. • In failing to do so, Councillor Salter did seek to influence improperly and therefore failed to follow Paragraph 8.2d of the Code.
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	<p>The Sub Committee conclude that Councillor Salter had breached the Code of Conduct in one respect namely that:</p> <p>At the Newton Poppleford Parish Council meetings on 13 May and 24 June 2013, Councillor Salter had a personal interest in the planning applications on land at King Alfred Way and, by speaking and voting, he sought to influence improperly the decisions on them. He therefore failed to follow paragraph 8.2(d) of the Code of Conduct.</p>
<p>Any mitigating circumstances taken into account</p>	<p>No relevant mitigating circumstances were given.</p>
<p>Sanctions imposed</p>	<p>The Sub Committee heard and considered representations from the Investigating Officer and Monitoring Officer on whether a sanction should be recommended and if so, what form it should take. Councillor Salter had also been asked for any mitigating circumstances to be taken into account.</p> <p>The Sub Committee considered all the representations and recommends that :</p> <ul style="list-style-type: none"> • EDDC publish its findings on its website in respect of the councillor's conduct. (EDDC will anyway publish the findings on its own website as a matter of procedure) • Report its findings to Newton Poppleford Parish Council for information (This is done as a matter of procedure) <p>The Sub Committee did not feel it was appropriate to impose any sanctions specifically in respect of Councillor Salter, however it wished to make the following recommendation to the Parish Council:</p> <p>That training be arranged for all Newton Poppleford Parish Councillors on governance issues including Code of Conduct generally and specifically in relation to planning issues.</p> <p>The Sub Committee also discussed referring the Paul Hoey article on interests to EDDC's Standards Committee for its consideration. The Sub Committee recommended this action and the possibility of wider discussion of the article with other councils in order to seek greater clarity and guidance on this matter.</p>



29th August 2014

Name of Cabinet Member:

Ethics Committee

Director Approving Submission of the report:

Executive Director, Resources

Ward(s) affected:

Not applicable

Title:

Ethics Training for Members

Is this a key decision?

No

Executive Summary:

At its meeting on 20th February 2014, the Ethics Committee considered a report on the Code of Conduct during the course of which it gave its views on ethical matters that should be covered by training for elected members. This report provides the Committee with an overview of the current training programme and suggestions as to how this may be modified to ensure the matters identified by the Committee are included.

Recommendations:

The Ethics Committee is recommended to:

Consider the contents of the report and provide feedback on the development of a short training session for members on protocols and conventions at meetings of full Council.

List of Appendices included:

Appendix: Draft Training Slides for Council Conventions and Traditions

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Ethics Training for Members

1. Context

1.1 At its last meeting on 20th February 2014 the Committee considered a report on the Code of Conduct. While considering this report, the Committee felt there were some areas where it would be beneficial for members to be offered training. The topics included:

- What is ethical behaviour in general terms? What does ethics look like in a local authority and what are the sanctions for breach of that behaviour?
- What is the correct protocol (including traditions) for Council Meetings?
- Social media - what are the pitfalls for Members?
- What is the relationship between the conduct of members in their public and private life and whether members' private life should be included within the Code of Conduct for Members?
- How do the Data Protection Act and Freedom of Information Act impact on ethical behaviour?
- Guidance on gifts and hospitality

1.2 The Member Training Programme for 2014/15 already includes sessions dealing directly or indirectly with ethical standards such as "Code of Conduct, Standards and Ethics", "Working without Bias" and "Social Media". These courses already cover most of the topics identified by the Committee at its last meeting. There are, however, some areas which the Committee felt should also be included in the programme namely:

- Protocol for Council Meetings
- Impact of Data Protection and Freedom of Information Act on ethical behaviour
- Guidance on gifts and hospitality

Each topic is dealt with in more detail in the Options Considered section below.

2. Options considered and recommended proposal

2.1 Protocol for Council Meetings

All councillors have access to a copy of the Council Procedure Rules at each meeting of full Council. However, new councillors in particular do not receive any explicit training on how full Council operates or on standards of expected behaviour at these meetings. Officers recommend that the Assistant Director, Legal and Democratic Services be given delegated authority to develop a short session for members based around the Council Procedure Rules but also including any conventions in place regarding behaviour at full Council meetings. A draft set of slides is attached as an appendix to this report for members to consider.

2.2 Impact of Data Protection and Freedom of Information on Ethical Behaviour

In previous years, members have been offered training on data protection and freedom of information as part of the annual training programme. Officers have identified some areas where data protection rules in particular may have an impact on ethical behaviour and will look to adapt the standard training materials to include ethical standards. Issues that it is contemplated will be covered include:

- Principles upon which members' access to information is based
- Dangers of stepping outside the parameters of what is acceptable
- What could happen when it goes wrong?

2.3 *Guidance on Gifts and Hospitality*

Elsewhere on the agenda for this meeting, the Committee is considering proposed changes to the Members' Gifts and Hospitality form and draft guidance for members on accepting gifts and hospitality. Once these are approved, the Committee has been asked to authorise the Assistant Director, Legal and Democratic Services to arrange for all members to be offered training on the topic.

- 2.4 The Committee is asked to consider the proposals for additional training for members on ethical matters and authorise the Assistant Director, Legal and Democratic Services to develop a short training session for members to encompass the above topics.

2 Results of consultation undertaken

None

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. However, the enhancement of training offered to members on ethical issues would assist the Council in discharging its duty to promote high standards of ethical conduct 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?

If implemented, the additional training offered to members will facilitate the promotion of high standards amongst elected members in accordance with the Localism Act.

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

Enquiries should be directed to the above person.

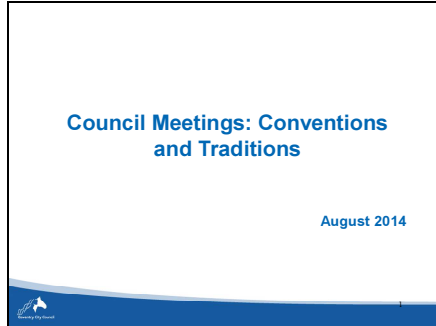
Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Gurdip Paddan	Governance Services Officer	Resources	20.8.14	20.08.14
Carol Bradford	Locum Legal Officer Place and Regulatory Team	Resources	18.8.14	18.4.14
Adrian West	Members and Elections Team Manager	Resources	19.8.14	20.8.14
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Names of approvers for submission: (officers and members)				
Finance: Carolyn Prince/ Melanie Thornton	Finance	Resources	20.8.14	
Legal: Christine Forde	Assistant Director Legal and Democratic Services	Resources	19.08.14	19.08.14
Director: Christine Forde on behalf of Chris West	Executive Director	Resources	19.8.14	20.8.14

	Resources			
Members: Councillor Hetherton	Chair of Ethics Committee		20.8.14	

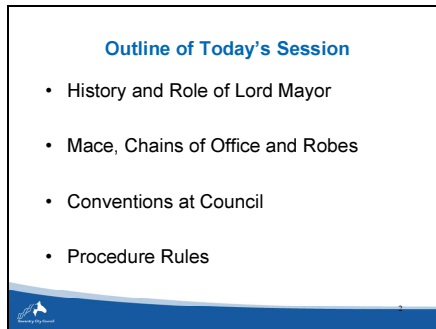
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Draft Training Slides for Council Conventions and Traditions

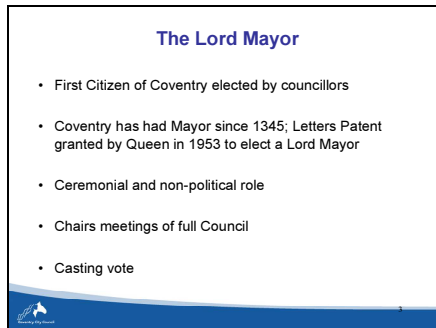
Slide 1



Slide 2




Slide 3



Slide 4

Mace, Chains of Office and Robes


- Mace: formal symbol of Lord Mayor's authority
- Carried into Council Chamber by Mace Bearer in front of Lord Mayor
- Lord Mayor and Deputy Lord Mayor wear chains of office when on official duty
- Robes worn on ceremonial occasions including full Council and services



Slide 5

Conventions at Council


- Entrance of Lord Mayor and Mace: all stand
- Silence when Lord Mayor stands or speaks
- Lord Mayor by convention casts casting vote in favour of largest political group
- Deputy Mayor chairs meeting when Lord Mayor absent or unable to chair
- Stand when Lord Mayor leaves



Slide 6

Types of Council Meeting


- Different types of Council Meeting
 - Annual Council
 - Ordinary Meetings
 - Extraordinary or Special meetings
- Duration of Meetings
- Quorum



Slide 7

Procedure at Council

- Lord Mayor decides order in which councillors will speak
- When speaking , councillors must stand and address the meeting through the Lord Mayor
- If not speaking, remain seated
- Members' Conduct
 - Improper, offensive behaviour or deliberately obstructing business
 - Powers of Lord Mayor



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29th August 2014

Name of Cabinet Member:
Ethics Committee

Director Approving Submission of the report:
Executive Director of Resources

Ward(s) affected:
None

Title:
Review of arrangements for Members Gifts and Hospitality

Is this a key decision?
No

Executive Summary:

This report sets out a summary of areas for consideration in connection with Members' Declarations of Gifts and Hospitality and suggests a revised declaration of gift and hospitality form, along with guidance to be issued to members. Members are asked to consider the draft form and guidance and suggest any amendments required before the launch of any form.

Recommendations:

The Ethics Committee is recommended to

1. consider and discuss the draft declaration of gift and hospitality form and associated guidance at Appendix 2 & 3;
2. consider whether the Members' Register of Gifts and Hospitality should be made available for public inspection online;
3. delegate authority to the Assistant Director Legal and Democratic Services in consultation with the Chair of the Ethics Committee to arrange a launch of the form accompanying guidance and any training required for Elected Members; and

4. consider the gifts and hospitality register entries received in this municipal year to date

List of Appendices included:

Appendix 1: Existing Declaration Form

Appendix 2: Draft Revised Declaration Form

Appendix 3: Draft Guidance for Elected Members on Gifts and Hospitality

Appendix 4: Declarations of gifts and hospitality received since 5 June 2014

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Review of Arrangements for Members' Gifts and Hospitality

1. Context (or background)

1.1 The Ethics Committee asked for a review of the process for declaring Gifts and Hospitality for Elected Members, prior to its first formal inspection of the Members' Register in the third meeting of this Municipal Year on 19th December 2014.

1.2 The Council's Code of Conduct for Elected Members specifically covers the Declaration of Gifts and Hospitality at section 4, and the Assistant Director for Legal and Democratic Services is required to establish and maintain a Register of these Declarations :

4. Gifts and Hospitality

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.

4.2 I acknowledge that the Monitoring Officer will place my notification on a public register of gifts and hospitality.

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.'

1.3 There is no current guidance for members except for indirect reference in the first part of the Council's Member Code of Conduct. This sets out general principles for transparency and offers some generic guidance as to how decision making could potentially be seen to be affected by the acceptance of a Gift or Hospitality:-

'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

3.

As a Member of Coventry City Council I will act in accordance with the principles in paragraph 2 and, in particular, I will.....

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'

It is left to individual Members to use their own discretion when considering an offer.

1.4 When Members receive an offer, the current declaration form at Appendix 1 should be completed and sent to the Assistant Director for Legal and Democratic Services who maintains the Register which is open to public inspection. When forms are received they are entered into the Register under individual Elected Members' names. The Register is not currently held electronically, but officers are investigating the feasibility of doing this once the Members' Register of Interests has been published online through Modern.gov. The Committee is asked to consider whether the register for gifts and hospitality should be published on the Council's website.

- 1.5 The current content of the form reflects the previous national Code of Conduct and therefore a refresh is recommended.
- 1.6 The process and format for the Declarations of Gifts and Hospitality for Officers has been the subject of a routine internal audit which in turn has been reported to Audit and Procurement Committee at its July meeting. The Audit recommended there should be greater consistency across Council Directorates in the completion of forms and that officer awareness of the need to complete forms should be raised. The audit recognised some areas of good practice and that this Committee is due to review the Register under the terms of its work programme at its December meeting, by which time it is intended a new procedure for will be developed for the Committee's consideration.

2. Options considered and recommended proposal

- 2.1 The first option is to retain the current form but this is not recommended. It is also an option not to have a register at all because there is no longer a statutory requirement to have one. However this option is also not recommended.
- 2.2 The final option, which is recommended, involves a three stage approach; the adoption of a new form, the issue of written guidance and the delivery of training on the topic. It is considered that this will allow the re-launch of the process, raising awareness and bringing the issue back to the forefront of members' thinking in the context of good, open and transparent decision making.
- 2.3 The form has therefore been amended (Appendix 2). Guidance has been produced reflecting the Code of Conduct's provisions and giving more information about why Gifts and Hospitality should be carefully considered before acceptance, the entries completed fully and the Register kept up to date for inspection (Appendix 3). The revised form and guidance notes suggest that members should consider whether to declare gifts or hospitality which they have refused and/or gifts or hospitality valued at less than £25. These entries are shown in square brackets on the form and in the guidance. **Members are asked to consider whether these should remain confined to gifts and hospitality over £25 only or to introduce a different minimum threshold.**
- 2.4 Members are also asked to consider whether it would be appropriate to specify gifts/hospitality that have been refused.
- 2.5 It is suggested that, if accepted, the new process be reviewed after a six month period and a further report brought before this Committee to determine the effectiveness of the new system, suggest any further improvements, and consider proposals for an electronic system of making and/or recording declarations.
- 2.6 *Review of Declarations Made in Current Municipal Year*

As part of its work programme the Committee has decided to review, on a regular basis, the declarations of gifts and hospitality made by members. Appendix 4 contains copies of all declarations received from members from the start of the Municipal Year to date.

3. Results of consultation undertaken

- 3.1 None. The current regime can be improved in order to facilitate good decision making and transparency.

4. Timetable for implementing this decision

- 4.1 If the proposed Gifts and Hospitality Form is approved, it is proposed that it be launched preferably at the next available date for Code of Conduct Training with appropriate links to be given on the web pages and the guidance circulated with an explanatory email from the Assistant Director for Legal and Democratic Services.

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

Members are required to declare Gifts and Hospitality under section 4 of the Code of Conduct for Elected Members at Part 4 of the Council's Constitution. Whilst there is no statutory requirement for members to declare in this way, maintaining a process and Register aids transparency and assists the Council in promoting and maintaining high standards of ethical behaviour as is required 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, but a failure to implement and maintain a system of Declarations of Gifts and Hospitality can impact on the organisation's ethical behaviour and transparency.

6.3 What is the impact on the organisation?

Implementing the new procedure for Gifts and Hospitality should assist in protecting Elected Members from unfounded allegations of bias and facilitate good and clear transparent decision making. It is to be linked to a review of the procedure around Officers' Declarations of Gifts and Hospitality which is currently in progress and should result in consistently high standards being upheld across the Council.

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

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
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Helen Lynch	Place and Regulatory Manager, Legal Services	Resources	13.08.14	18.08.14
Adrian West	Democratic and Member Services Manager	Resources	18.08.14	19.08.14
Names of approvers for submission: (officers and members)				
Finance: Melanie Thornton	Finance	Resources	18.08.14	18.08.14
Legal: Christine Forde	Assistant Director, Legal and Democratic Services	Resources	18.08.14	19.08.14
Director: Christine Forde on behalf of Chris West	Executive Director, Resources	Resources	18.08.14	19.08.14
Members: Councillor Hetherton	Chair, Ethics Committee	Elected Member	20.08.14	

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www.coventry.gov.uk/councilmeetings

Existing Gifts and Hospitality Form

Declaration of Receipt of Gifts or Hospitality

Name	
Post	Councillor
Department (if applicable)	
What was the gift or Hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you get the consent of any officer before accepting it? If so, who? (if applicable)	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	
Signed	Date

To: The Monitoring Officer, Room 56, Council House, Earl Street, Coventry, CV1 5RR

Appendix 2

Declaration of Gifts and Hospitality under Members' Code of Conduct

Name of Elected Member	
Position held e.g. cabinet member, shadow cabinet member, elected member etc	
Date on which gift or hospitality was offered and received or accepted, [or declined]	
Person or organisation offering or providing the gift or hospitality and link to the Council if appropriate	
Full details of what was received [or offered]	
Actual cost or estimated cost e.g. face value of tickets, price of set menu at venue etc.	
Justification for accepting the gift or hospitality	
Signature of member Date	

Declaration of Gifts and Hospitality under Members' Code of Conduct

1 PURPOSE OF THIS GUIDANCE

The Council's Code of Conduct applies to gifts and hospitality received as an Elected Member or co-opted Member of the Council. The Code only requires you to register gifts or hospitality received above the value of £25. [However, Elected Members should also consider declaring any gift or hospitality of over £25 that has been offered but declined by you, as this helps to promote transparency and provides further evidence of compliance with the Code.]

The terms "gift" and "hospitality" should be considered to include any food, drink, accommodation, entertainment or other benefit freely provided or heavily discounted.

This guidance sets out some general principles members should consider when thinking about accepting gifts and hospitality.

2 GENERAL PRINCIPLES

a. Improper influence.

Some organisations and private individuals regard the provision of gifts and hospitality as a means of buying influence. If a member of the public becomes aware that you have been prepared to accept a gift or hospitality improperly, they may believe they will not be able to secure impartial consideration from the Council.

Gifts or hospitality should therefore never be accepted as an inducement or reward for anything done as a member or co-opted member of the Council, or as a means of gaining influence. Members must act in the public interest. Breach of this principle is both a breach of the Code and could also constitute a serious criminal offence.

b. Benefit to Council.

Gifts or hospitality should only be accepted where there is a proportionate benefit to the Council, in light of the estimated value of the gift or hospitality. Unless the benefit to the Council is clear and that benefit would not have been available but for the acceptance of the gift or hospitality, then the presumption could be that the gift or hospitality is for personal benefit.

c. Misinterpretation of intent.

The appearance of impropriety can be just as damaging to the Council and to an Elected Member as actual impropriety. Gifts or hospitality offered should therefore never be accepted where the circumstances are likely to be misinterpreted by a member of the public. Examples of situations where the Council could be challenged or discredited include where a members role is related to:-

- competitive procurement and tendering exercises
- regulatory decisions, such as individual licensing and planning decisions

- determination of grants or other requests for funding

d. Soliciting Gifts or Hospitality.

Members should never solicit or invite an offer of a gift or hospitality in connection with their role as a member of the Council and should also avoid giving the impression that they might be open to such an offer.

3 EXAMPLES WHERE ACCEPTANCE OF GIFTS AND HOSPITALITY MAY BE PERMITTED

Subject to the general principles set out in Section 2 of this Guidance, it is generally considered appropriate to accept a gift or hospitality in the following circumstances:-

- civic hospitality offered by another public authority
- Council-supported events-tickets for sporting, cultural and entertainment events that are supported by the Council
- modest working lunches, provided to enable the parties to discuss business
- reasonable hospitality, provided at external visits, meetings or conferences provided that this is also available to other attendees

4 VALUING GIFTS AND HOSPITALITY OFFERED

In order to decide whether you need to declare the offer of a gift or hospitality you will need to estimate whether the value of the gift or hospitality is above £25. In most cases it should be possible to estimate whether a gift is likely to exceed £25 in value. A series of small gifts from the same source over a short period of time with a cumulative value of over £25 should be registered.

The value of hospitality may be more difficult to estimate, but this should still be possible, given a degree of common sense. An assessment of the value of the hospitality on offer [(regardless of whether or not it is accepted)] and consideration of how much a person could reasonably expect to pay for an equivalent function or event run on a commercial basis should be identifiable in many cases the prudent course is to contact the MO for advice and/ or register the gift and/or hospitality.

5 LEGAL POSITION ON GIFTS AND HOSPITALITY

There are both criminal sanctions and 'internal' rules for breaching the law which relates to gifts and hospitality.

a. The Bribery Act 2010

The Bribery Act 2010 applies the offence of bribery to the person who offers, promises or gives a financial or other advantage to another or the person who requests, agrees, receives or accepts an advantage. It does not define what advantage is, and therefore potentially opens the offence to the acceptance of gifts and hospitality by all public officials, including Elected Members of the Council.

b. Misfeasance in Public Office

This offence is less frequently seen in public since it carries a high burden of proof and the Attorney General's office usually regards it as suitable only for the most serious cases.

A summary definition of the offence is where a public officer wilfully neglects to perform his duty and/or wilfully misconducts himself to such a degree as to amount to abuse of the public's trust in the office holder without reasonable excuse or justification.

c. Breach of Code

Irrespective of what the general law may say with regard to gifts and hospitality, the Council has its own set of rules regarding the acceptance of gifts and hospitality by Elected Members within its Code of Conduct, which every Member signs up to when taking office.

The relevant sections of the Code are set out below: *"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:*

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.

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.

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."

Improper acceptance of gifts or hospitality may amount to a breach of the Code of Conduct which could result in action being taken against the councillor concerned. A breach of the Code may also result in adverse publicity to the Council and potential damage to its reputation and standing amongst the citizens of Coventry.

6 PROCEDURE FOR DECLARING GIFTS AND HOSPITALITY OVER £25 IN VALUE

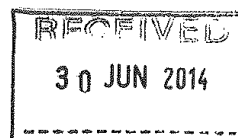
If you accept any gift or hospitality with a value of over £25 then the Code of Conduct requires you to notify the Council's Monitoring Officer in writing as soon as possible and in any event within 28 days of receipt of the gift or hospitality.

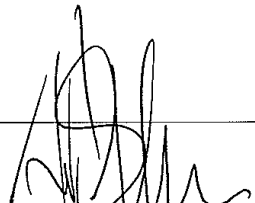
Please use the declaration form available on the web or from member services.

REMEMBER- Details of gifts and hospitality will be made available in a public register [and also appear on the Council's website], subject to the usual data protection principles.

To: Legal Services, Floor 1, Christchurch House, Greyfriars Lane, Coventry, CV1 2QL

Declaration of Receipt of Gifts or Hospitality




Name	Councillor Abdul Khan
Post	Cabinet Member, Culture, Leisure, Sports, Parks and Events, Coventry City Council
Department (if applicable)	Democratic Services
What was the gift or Hospitality?	Representing the City Council at the Annual Coventry Telegraph Awards Dinner
What is your best estimate of its market value or cost?	Over £50
Who provided it?	Coventry Telegraph
When and where did you receive it?	20 th June 2014, Coventry Cathedral
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	Yes. It was in the Council's interest that I attend.
Did you get the consent of any officer before accepting it? If so, who? (if applicable)	No.
Were there any special circumstances justifying acceptance of this gift or hospitality?	Yes. To promote and support excellence within the business community in Coventry.
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No.
Signed	Date: 25 th June 2014 

To: Legal Services, Floor 1, Christchurch House, Greyfriars Lane, Coventry, CV1 2QL


Declaration of Receipt of Gifts or Hospitality



Name	CLLR ANN LUCAS
Post	LEADER OF THE COUNCIL
Department (if applicable)	Policy and Governance – Political Leadership.
What was the gift or Hospitality?	Representing the City Council at the ROAR evening celebrations
What is your best estimate of its market value or cost?	£15
Who provided it?	British Organisation for People of Asian Origin and Lions Club of Coventry (BOPA)
When and where did you receive it?	Belgrade Theatre Friday 13 June 2014
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	Yes. It was in the interest of the Council that I attend.
Did you get the consent of any officer before accepting it? If so, who? (if applicable)	No
Were there any special circumstances justifying acceptance of this gift or hospitality?	Promoting Community and partnership working between Coventry City Council, and the Asian Community and the Lions Club of Coventry
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No
Signed 	Date 16/07/2014

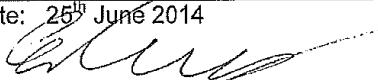
To: Legal Services, Floor 1, Christchurch House, Greyfriars Lane, Coventry, CV1 2QL

Declaration of Receipt of Gifts or Hospitality

Name	Councillor Kevin Maton
Post	Cabinet Member, Business, Enterprise and Employment, Coventry City Council
Department (if applicable)	Democratic Services
What was the gift or Hospitality?	Representing the City Council at the Annual Coventry Telegraph Awards Dinner
What is your best estimate of its market value or cost?	Over £50
Who provided it?	Coventry Telegraph
When and where did you receive it?	20 th June 2014, Coventry Cathedral
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	Yes. It was in the Council's interest that I attend.
Did you get the consent of any officer before accepting it? If so, who? (if applicable)	No.
Were there any special circumstances justifying acceptance of this gift or hospitality?	Yes. To promote and support excellence within the business community in Coventry.
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No.
Signed 	Date: 25 th June 2014


To: Legal Services, Floor 1, Christchurch House, Greyfriars Lane, Coventry, CV1 2QL

Declaration of Receipt of Gifts or Hospitality

Name	Councillor Ed Ruane
Post	Cabinet Member, Children and Young People, Coventry City Council
Department (if applicable)	Democratic Services
What was the gift or Hospitality?	Representing the City Council at the Annual Coventry Telegraph Awards Dinner
What is your best estimate of its market value or cost?	Over £50
Who provided it?	Coventry Telegraph
When and where did you receive it?	20 th June 2014, Coventry Cathedral
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	Yes. It was in the Council's interest that I attend.
Did you get the consent of any officer before accepting it? If so, who? (if applicable)	No.
Were there any special circumstances justifying acceptance of this gift or hospitality?	Yes. To promote and support excellence within the business community in Coventry.
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No.
Signed	Date: 25 th June 2014 


To: Legal Services, Floor 1, Christchurch House, Greyfriars Lane, Coventry, CV1 2QL

Declaration of Receipt of Gifts or Hospitality

Name	Councillor Philip Townshend
Post	Deputy Leader, Coventry City Council
Department (if applicable)	Democratic Services
What was the gift or Hospitality?	Representing the City Council at the Annual Coventry Telegraph Awards Dinner
What is your best estimate of its market value or cost?	Over £50
Who provided it?	Coventry Telegraph
When and where did you receive it?	20 th June 2014, Coventry Cathedral
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	Yes. It was in the Council's interest that I attend.
Did you get the consent of any officer before accepting it? If so, who? (if applicable)	No.
Were there any special circumstances justifying acceptance of this gift or hospitality?	Yes. To promote and support excellence within the business community in Coventry.
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No.
Signed 	Date: 25 th June 2014

To: Legal Services, Floor 1, Christchurch House, Greyfriars Lane, Coventry CV1 2QL
Declaration of Receipt of Gifts or Hospitality

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Name	Councillor Ann Lucas
Post	Leader, Coventry City Council
Department (if applicable)	Democratic Services
What was the gift or Hospitality?	Representing the City Council at the Annual Coventry Telegraph Awards Dinner
What is your best estimate of its market value or cost?	Over £50
Who provided it?	Coventry Telegraph
When and where did you receive it?	20 th June 2014, Coventry Cathedral
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	Yes. It was in the Council's interest that I attend.
Did you get the consent of any officer before accepting it? If so, who? (if applicable)	No.
Were there any special circumstances justifying acceptance of this gift or hospitality?	Yes. To promote and support excellence within the business community in Coventry.
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No.
Signed 	Date: 25 th June 2014

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29th August 2014

Name of Cabinet Member:

Ethics Committee

Director Approving Submission of the report:

Executive Director, Resources

Ward(s) affected:

Not applicable

Title:

Work programme for the Ethics Committee

Is this a key decision?

No

Executive Summary:

At its meeting on 20th February 2014, the Ethics Committee approved a work programme for the new Municipal Year 2014-15. This report provides the Committee with an opportunity to review the work programme and make any changes/amendments.

Recommendations:

The Ethics Committee is recommended to review the work programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate.

List of Appendices included:

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

Report title: Draft Work Programme

1. Context (or background)

- 1.1 The Committee met and approved the work programme for 2014/2015 at its last meeting on 20th February 2014.
- 1.2 The Committee's Terms of Reference are set out in 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 the approved programme of work for the Committee, designed to assist the Committee 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 to promote and maintain high standards of conduct amongst elected and co-opted members.
- 1.3 First 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 is flexible and can cover additional areas which the Committee is particularly concerned about, as they arise.
- 1.5 Secondly it was also agreed 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 working on a day to day basis, and suggest improved or different practices as it may consider to be appropriate. A separate report is being brought to this meeting which suggests a new form for members to complete for offers of Gifts and Hospitality, as well as draft guidance to assist members when considering the issue. The work programme includes an item on Officer Gifts and Hospitality for the next meeting of the Committee
- 1.6 Finally, 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, a review of any Annual Report from the Committee on Standards in Public Life later this year.

2. Options considered and recommended proposal

The Committee is asked to consider the work programme and agree its contents together with any other recommendations.

3. Results of consultation undertaken

None

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 the continuation of 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 will facilitate the promotion of high standards amongst elected members in accordance with the Localism Act

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

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Gurdip Paddan	Governance Services Officer	Resources	18.08.14	20.08.14
Christine Goodwin	Senior Lawyer, Place and Regulatory Team	Resources	29.5.14	29.5.14
Other members				
Adrian West	Members and Elections Team Manager	Resources	11.08.14	11.08.14
Helen Lynch	Place and Regulatory Team Manager	Resources	11.08.14	12.08.14
Names of approvers for submission: (officers and members)				
Finance: Melanie Thornton	Finance	Resources	18.8.14	18.8.14
Legal: Christine Forde	Assistant Director Legal and Democratic Services	Resources	18.8.14	19.8.14
Director: Christine Forde (on behalf of Chris West)	Executive Director Resources	Resources	18.8.14	19.8.14
Members: Councillor Hetheron	Chair of Ethics Committee		20.8.14	

This report is published on the council's website:
www.coventry.gov.uk/councilmeetings

Work Programme for the Municipal year 2014/2015

Meeting no. and date	Topics	Verbal or written	Lead officer
2014/2015			
1. 20th June (cancelled)			
2. 29th August	Gifts and Hospitality for Members- review of declarations made so far in 2014-15	Written	Christine Forde
	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
3. 19th December	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
	Code of Conduct for Employees- review of its operation over the last 12 months and any review recommendations	Written	Christine Forde
	Standards in Public Life- update from national body usually published in August each year	Written	Christine Forde
4. 27th March	Monitoring Officer/Code of Conduct/ members Complaints Update	Written	Christine Forde