

**Time and Date**

9.30 am on Tuesday, 10th March, 2015

Place

Diamond Room 5 - Council House

Public Business

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 6)
 - (a) To agree the minutes of the meeting held on 29 August 2014
 - (b) Matters Arising
4. **Code of Conduct Update** (Pages 7 - 24)

Report of the Executive Director, Resources
5. **Proposed Amendment to Code of Conduct for Elected and Co-opted Members** (Pages 25 - 34)

Report of the Executive Director, Resources
6. **Review of the Operation of the Code of Conduct for Employees** (Pages 35 - 54)

Report of the Executive Director, Resources
7. **Review of Lord Mayor's Gifts and Hospitality** (Pages 55 - 60)

Report of the Executive Director, Resources
8. **Review of Officers' Gifts and Hospitality** (Pages 61 - 72)

Report of the Executive Director, Resources
9. **Review of Members' Declarations of Gifts and Hospitality** (Pages 73 - 88)

Report of the Executive Director, Resources

10. **Review of Operation of Ethical Standards in Parish Councils** (Pages 89 - 104)
Report of the Executive Director, Resources
11. **Committee on Standards in Public Life:Annual Report for 2013-14**
(Pages 105 - 120)
Report of the Executive Director, Resources
12. **Work Programme for the Ethics Committee 2015/16** (Pages 121 - 128)
Report of the Executive Director, Resources
13. **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

Monday, 2 March 2015

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

Independent Member: Mr K Sloan

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.

Gurdip Paddan

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Coventry City Council
Minutes of the Meeting of Ethics Committee held at 10.00 am on Friday,
29 August 2014

Present:

Members
Councillor P Hetherton (Chair)
Councillor C Fletcher
Councillor K Mulhall

Employees (by Directorate)

Resources: C Bradford, C Forde, G Paddan

Independent Person: K Sloan

Mr Sloan was welcomed to the meeting.

Public Business

1. Apologies

Councillor Andrews

2. Declaration of interests

There were no declarations of interests.

3. Minutes

3.1 To agree the minutes of the meeting held on 20 February 2014

- a) The minutes of the meeting held on 20 February 2014 were signed as a true record.

3.2 Matters Arising

- a) There were no matters arising.

4. Code of Conduct - Update

The Committee received a report of the Assistant Director (Legal and Democratic Services), which updated members of the Committee on alleged and upheld breaches of member Codes of Conduct on a national and local level.

The report made reference to a number of national cases in respect of disclosure of confidential information, declarations of interest and bringing the office of the local authority into disrepute. Further discussions ensued on being transparent and having the understanding of addressing questions to circumvent disclosing confidential information; this was considered to be a training matter. Whilst members were provided with training on confidentiality, it was noted that the general public would benefit from being advised that confidential matters were not there to prohibit information being made available. Consideration was given to the

necessity of understanding the balance between ethical behaviour and democratic engagement in public life; training was determined as a mandatory requirement to elude any notion of improper conduct.

Following discussion, it was agreed that:

- a) The Assistant Director (Legal and Democratic Services) be requested to ensure that training on the Code of Conduct becomes mandatory and includes a section on confidentiality.
- b) The Ethics Committee to be informed of attendances at mandatory training sessions, especially for Licence & Regulatory Committee and Planning Committee.
- c) Members' Bulletin to include a section on alleged and upheld breaches of Member Code of Conduct on a national and local level.
- d) The Assistant Director Legal and Democratic Services be requested to report back to the next meeting of the Committee with amended wording for the Code of Conduct making explicit the need to maintain confidentiality.

RESOLVED that the Ethics Committee considered the cases referred to within the report and made consequential recommendations deemed appropriate; as per the list above.

5. **Ethics Training for Members**

The Committee received a report of the Assistant Director (Legal and Democratic Services), which provided an overview of the current training programme and suggestions as to how this would be modified to ensure that the matters identified by the Committee were included.

A number of options were considered in respect of the training programme and the draft training slides for Council conventions and traditions were discussed. Members noted that information held on personal electronic devices was open to Freedom of Information requests, if the subject matter related to Council business.

A copy of the Council's procedure rules was circulated at the meeting.

RESOLVED that the Ethics Committee considered the contents of the report and provided feedback on the development of a short training session for members on protocols and conventions at meetings of full Council and the Assistant Director (Legal and Democratic Services) was asked to consider a review of the Standard for Acceptable Use of ICT Facilities for Members.

6. **Review of arrangements for Members Gifts and Hospitality**

The Committee received a report of the Assistant Director (Legal and Democratic Services), which set out a summary of areas for consideration in connection with Members' Declarations of Gifts and Hospitality and suggested that a revised declaration of Gift and Hospitality form, along with guidance to be issued to Members. Committee Members were asked to consider the draft form and the guidance and advocate any amendments required before the launch of any form. Consideration was also given to the form being online.

RESOLVED that the Ethics Committee:

- 1. Approved the draft declaration of Gift and Hospitality form and associated guidance at Appendix 2 and 3, as attached to the report, subject to there being no requirement to declare gifts or hospitality offered but declined and the documents being amended accordingly.**
- 2. Considered that the Members' Register of Gifts and Hospitality should not be made available for public inspection online but information about how and where the hard copy register could be inspected should be included on the Council's website;**
- 3. Requested that the Assistant Director (Legal and Democratic Services) report back to the next meeting of the Committee on the operation of recording the receipt of gifts and hospitality by the Lord Mayor.**
- 4. Delegated 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**
- 5. Considered the Gifts and Hospitality register entries received in this municipal year to date.**

7. Work programme for the Ethics Committee

The Committee received a report of the Assistant Director (Legal and Democratic Services), advising that at the last meeting held on 20th February 2014, the Committee approved a work programme for the Municipal Year 2014-15. This report provided the Committee with an opportunity to review the work programme and make any changes/amendments.

The report made reference to the Committee's Terms of Reference as set out in the Council's Constitution and included the consideration of matters which were relevant to the ethical governance of the Council. Members considered the Work Programme as per the appendix and agreed to the listed items for discussion for this municipal year.

RESOLVED that the Ethics Committee reviewed the work programme attached as Appendix 1 (to the report) and agreed to the items listed for consideration.

8. 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 12.20pm)

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10th March 2015

Name of Cabinet Member:

N/A- 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 any national issues in relation to the ethical behaviour of elected members and the local position in Coventry with regard to Code of Conduct issues. It also sets out actions taken in connection with Code of Conduct matters arising from the previous meeting of the Committee.

Recommendations:

The Ethics Committee is recommended to:

1. 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
2. Note the local position relating to the operation of the Council's Code of Conduct and to delegate any actions arising from these to the Assistant Director, Legal and Democratic Services in consultation with the Chair of the Ethics Committee.

List of Appendices included:

Appendix: Decision Notices of Cases Considered in Report

Other useful background papers can be found at the following web addresses:

None

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Code of Conduct update

1. Context (or background)

1.1 The Council's Ethics Committee 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 of bringing the office of councillor or the Council into disrepute, misuse of Council resources and bullying or abusive behaviour. There is also a short report on a possible prosecution of a councillor with another authority for alleged offences under the Localism Act 2011 which could be the first of its kind, and one where a council and fire authority are taking action against a councillor in his personal capacity. The cases also include an update on the issue of notices by the Secretary of State for alleged breaches of the Local Authority Publicity Code, which were referred to at the last meeting of the Committee on 29th August. Extracts from the published record of cases, where available, have been attached as an Appendix to this report if members wish to view the cases in more detail.

1.2.3 Wigan Council: Bringing Office or Council into Disrepute and Misuse of Council Resources

On 5 September 2014, Wigan Council's Standards Ad Hoc Sub Committee issued a decision notice in relation to a complaint against a Wigan councillor. The Councillor was found to have breached the Code of Conduct by conducting himself in a manner which could reasonably be regarded as bringing his office or the Council into disrepute and by misusing council resources.

The Councillor used his Council issued mobile phone to make premium rate calls and sent inappropriate text messages in direct contravention of the Council's Acceptable Use of IT Policy. Despite the Council's policy in this respect having been communicated to the Councillor on at least two occasions, he continued to make premium number calls at a substantial cost to the Council. It was not until challenged directly by the Chief Executive about the high cost of his bills that he arranged to reimburse the Council for the costs incurred.

The Investigating Officer had pointed out that if an employee had behaved in this way, they would have been subject to disciplinary proceedings and could face dismissal. The Committee imposed a long range of sanctions including withdrawing the councillor's access to the internet via the Council's ICT facilities until the end of his current term of office and intercepting and vetting of any emails sent by the

councillor to officers. Full details of the sanctions are set out in full in the Appendix and reflect the fact that this was not the first time the councillor had been investigated and found guilty of a breach of the Code of Conduct.

1.2.4 Wigan Council: Bullying or Abusive Behaviour and Bringing Office or Council into Disrepute

On 7 October 2014, Wigan Council's Standards Ad Hoc Sub Committee issued a Decision Notice in relation to a complaint against a Wigan councillor. The Councillor was found to have breached the paragraphs of the Code of Conduct relating to bullying or abusive behaviour and bringing his office or the Council into disrepute.

The Committee concluded that the Councillor had acted improperly by behaving in an intimidating manner towards a council employee one evening when she was not at work but out with her daughter.

The Committee did not impose any sanction on the Councillor other than to publish the decision because a number of other cases against him were yet to be considered. The final set of sanctions is set out in 1.2.5 below.

1.2.5 Wigan Council: Bringing Office or Council into disrepute

On 21 October 2014, Wigan Council's Standards Ad Hoc Sub Committee issued a decision notice in relation to a complaint against the same Wigan councillor referred to in 1.2.4. The Councillor was found to have breached the Code of Conduct by conducting himself in a manner which could reasonably be regarded as bringing his office or the Council into disrepute.

The Committee decided that the councillor had acted improperly by visiting the complainant at his home and place of work and engaging in a heated exchange with him. Whilst the Committee accepted that councillor had been provoked to a certain extent, his behaviour fell below that which was expected of an elected representative.

The Committee considered a number of other cases against the Councillor and on 4th November imposed the following sanctions in connection with a total of 6 cases:

- (a) The formal Decision Notice of the outcome of the hearing is to be published on the Council's website and details of the outcome in a newspaper circulating in the Hindley Green area;
- (b) The Member be asked to submit unconditional written apologies (assisted by the Monitoring Officer) to all those who have been offended, which the Council may publicise for circulation to all the complainants by 5th December 2014;
- (c) That a report is to be submitted to the Standards Committee and Council setting out the outcome from the hearing and noting whether the Member has submitted written apologies to the Monitoring Officer;
- (d) That the report to Council include a recommendation that the Member be censured;

- (e) The Member is to engage with a programme facilitated by an external provider that will address his issues and behaviour with a signed agreement as to what outcomes are to be achieved. This is to be done within six months of receipt of his apologies;
- (f) Due to his continued pattern of unreasonable behaviour, it is to be recommended that the Councillor continues to engage with specialist support to help him address his issues;
- (g) The Sub Committee endorsed the process whereby all emails the Councillor sends to officers continue to be managed before delivery to the officer. They should only be forwarded on to the relevant officer to respond to if they are respectful and courteous and do not contain abuse, rudeness or ridicule and are not considered to be harassing either in the content of the email or volume of emails he sends to the officer. Officers are to respond to emails from the Councillor only to the Councillor's Council email address;
- (h) Having particular regard to the nature and pattern of bullying behaviour consistently shown, the Sub Committee endorsed the process whereby any contact by the Councillor with Council officers should be restricted to emails, except for urgent matters requiring an immediate response, which may be made by telephone, but only to a named officer or officers supplied to him by the Council, from time to time;
- (i) That the removal of the Councillor's ability to support Brighter Borough applications for funding be continued until the end of his current term of office in May 2016, or if the Councillor complies with the remaining sanctions and exhibits markedly improved behaviour, the Sub Committee may meet to consider whether it should be reinstated;
- (j) That the Councillor on line biography be removed from the 'Your Councillor' page on the Council website;
- (k) Failure by the subject Member to abide by the sanctions will trigger a re-convened Sub Committee before the New Year so that further actions may be considered should the Member fail to comply with the above requirements. The potential sanctions may include, but will not be not limited to, for example, recommending to Council that the Councillor be withdrawn from the Confident Place Scrutiny Committee and that any Council resources such as IT be removed.

On 18th December 2014 the Sub Committee met again in the light of the Councillor's failure to comply with the original sanctions imposed as he had not submitted a written apology. The Sub Committee concluded that by his refusal to abide by the outcome of the hearing, the Councillor had shown contempt for the Council's Code of Conduct and the Standards Committee. Due to his unwillingness and refusal to accept responsibility for the breach of the Code, his unwillingness and refusal to abide by the sanctions the Sub Committee placed the following further sanctions on the Councillor:

- (a) that Council is recommended to remove the Councillor from the Confident

- Places Scrutiny Committee;
- (b) that Council takes into consideration the Councillor conduct and his unwillingness and refusal to abide by the sanctions imposed by the Sub Committee when making future appointments to committee places;
 - (c) that the Council and the Standards Committee be notified of the outcome of the hearing;
 - (d) that details of the outcome to be published in the press and also in a newspaper circulating in the Hindley Green area;
 - (e) that the formal Decision Notice of the outcome of the hearing is to be published on the Council's website; and
 - (f) that the Monitoring Officer, on behalf of the Sub Committee, notifies all complainants that the Sub Committee has met again and of the additional sanctions that are to be imposed.

1.2.6 Stoke on Trent City Council: Bringing Office or Council into disrepute

On 13 October 2014, Stoke on Trent City Council's Hearings Panel issued a decision notice in relation to a complaint against a Stoke councillor. The Councillor was found to have breached the Code of Conduct by conducting himself in a manner which could reasonably be regarded as bringing his office or the Council into disrepute.

The Panel decided that the Councillor had behaved improperly in sending a series of texts to a local radio debate programme using false names. The texts were in support of council policies and criticised opposition councillors. It is understood that an employee of the radio station recognised the councillor's telephone number when he was texting under false names. The Panel decided that, as well as publicising its decision, the Councillor should be reprimanded and undertake training. His political group was recommended to not permit him to sit on Cabinet or act as chair of any committee for the rest of the municipal year.

1.2.7 Dorset County Council and East Dorset District Council

The Crown Prosecution Service has authorised the police to institute proceedings against the leader of Dorset County Council for three offences under the Localism Act. The Councillor was accused of three offences under sections 31 and 34 of the 2011 Act. These offences relate to the Councillor's involvement with East Dorset District Council as well as the county.

It is alleged that whilst the Councillor was leader of East Dorset District Council, he failed to declare his interest in Zebra Property Solutions LTD, a company for which he was a Non-Executive Director. It is also alleged that he failed to declare his interest in the same company to Dorset County Council. The third allegation relates to the Councillor failing to disclose his interest in Synergy Housing Ltd, a company in which he was also a Non-Executive Director, before a meeting of Dorset County Council on 25 February 2013 at which its Core Strategy for the provision of social housing was discussed. It is alleged that the Councillor participated and voted

during this meeting.

The Crown Prosecution Service has said that it is satisfied that there is sufficient evidence for a realistic prospect of conviction and that it is in the public interest to prosecute the Councillor for these three offences. At a hearing at Bournemouth Magistrates' Court on 2 December 2014, his solicitor entered not guilty pleas to all three charges. The trial will take place on 24th April 2015. If convicted, the Councillor faces a maximum fine of £5000 for each offence and could be disqualified from holding office for up to 5 years. He has now resigned as leader of Dorset County Council.

1.2.8. Boston Borough Council and Lincolnshire Fire and Rescue

The joint deputy leader and finance portfolio holder at Boston Borough Council has been removed from his posts after the authority and the local fire and rescue service brought legal action against him. Boston BC and Lincolnshire Fire and Rescue brought proceedings against the Councillor in his personal capacity for alleged breaches of housing legislation. He appeared in court on 27th November 2014 charged with 25 offences and pleaded not guilty. The cases will be heard in the Magistrates' Court in late April 2015.

Boston's Leader said the decision to remove the Councillor was "good practice in pursuit of continued good governance". The decision was initially pending completion of the proceedings. However, it has become permanent now that the Councillor has left the ruling Conservative group and is an 'unaligned independent'.

1.2.9 Publicity

At its last meeting, the Committee was informed that the Secretary of State for Communities and Local Government had issued notices to 5 local authorities informing them of his intention to issue directions under the Local Audit and Accountability Act 2014. These notices required the authorities to comply with the Code of Recommended Practice on Local Authority Publicity. All of the authorities are alleged to have breached the Code by publishing their newsletters more frequently than quarterly. In addition one authority, Tower Hamlets, is alleged to have breached the Code by publishing a political advertisement. Since then the Secretary of State issued in August letters to a further 7 local authorities and , in late September, issued further notices to 11 of the 12 authorities , advising them that he will issue directions if they do not comply with the Code by 1 January 2015.

At the end of January 2015, the Secretary of State announced that he proposed to issue a direction to another local authority and that he would announce his decision in connection with the other councils shortly.

1.3 The local picture

1.3.1 At its 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 received three new complaints, since the date of the last Committee meeting:

- (a) a written complaint which was found not to have disclosed any evidence of a sustainable complaint/breach of the Code of Conduct against the member. It has been dealt with under Stage 1 of the Complaints Protocol
- (b) two written complaints regarding a member's behaviour and in connection with their use of social media. Both complaints were dealt with at Stage 1.
- (c) a complaint about the behaviour of two councillors which was found not to have disclosed any evidence of a sustainable complaint/breach of the Code. It has been dealt with under Stage 1 of the Complaints Protocol.

1.3.3 All complaints are handled in accordance with the agreed Complaints Protocol. No complaints have been made to the LGO in relation members of Coventry City Council.

1.3.4 Since the last meeting, officers have updated the Code of Conduct training course for members to include information about behaviour and conventions at meetings of full Council as well as guidance on use of social media, as requested by the Committee. The training course due to take place in late September had to be cancelled due to unforeseen circumstances of the external co-trainer and so officers are unable to report back on uptake on the course at this stage. Officers are trying to reschedule the course. However there is a specialist external training provider attending the Council on 19 March on the subject of social media. All members are being encouraged to attend in view of this developing area. A report back will be made to a future meeting of the Committee on training.

1.3.5 At its last meeting, the Committee asked that Code of Conduct training should be mandatory for all members. Officers have checked the position and it is already compulsory for all members to attend Code of Conduct training at least every 3 years. The Committee is asked to consider how members can be encouraged to attend the training.

1.3.6 An item appeared in the 10 October edition of the Members' Weekly Bulletin drawing members' attention to the standards cases that were reported to the Committee at its last meeting.

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): Carol Bradford

Name and job title: Solicitor, 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	10.12.14	
Helen Lynch	Place and Regulatory Team Manager	Resources	31.10.14	11.11.14
Names of approvers for submission: (officers and members)				
Finance: Carolyn Prince		Resources	28.11.14	08.11.14
Legal: Christine Forde	Assistant Director Legal and Democratic Services	Resources	25.11.14	10.12.14
Director: Christine Forde on behalf of Chris West		Resources	10.12.14	10.12.14

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APPENDIX

1. WIGAN COUNCIL STANDARDS AD HOC COMMITTEE 5 SEPTEMBER 2014

The Sub Committee considered a report of the Investigating Officer which requested Members to consider allegations against a Member that he had breached the Council's Members' Code of Conduct.

The Sub Committee took into account the oral and written representations on behalf of the Investigating Officer, which set out the details of the complaint. The Assistant Director of Finance (the complainant) was called as a witness on behalf of the Investigating Officer and was questioned by the panel. Councillor B did not attend the hearing. At his request the Sub-Committee considered written observations submitted by the Subject Member.

The Sub Committee also took into account written representation of the Subject Member, which set out which of the representations made by the Investigating Officer and her witnesses were disputed by the subject Member.

Having heard all the facts and responses the Sub Committee agreed the following facts:-

- The Subject Member used his Council issued mobile phone to make premium rate calls and sent inappropriate text messages in direct contravention of the Council's Acceptable Use of IT Policy;
- Despite the Council's policy in this respect having been communicated to the subject member on at least two occasions, he continued to make premium number calls at a substantial cost to the Council; and
- It wasn't until challenged directly by the Chief Executive about the high cost of his bills that the subject member arranged to reimburse the Council for the costs incurred.

The Sub Committee then heard further evidence from the Investigating Officer and took account of written submissions submitted by the Subject Member. The Sub Committee was advised that following her investigation into the Subject Member's alleged breach of the Code of Conduct, the Investigating Officer had concluded that the subject Member had breached the following paragraph of the Council's Code of Conduct under the following article:-

- Paragraph 5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- Paragraph 6 (b) - You must, when using or authorising the use by others of the resources of your authority.

The Sub Committee then invited the Investigating Officer to make representations on the actions to be taken in respect of the breach.

The Investigating Officer advised that any sanction needed to be appropriate and in line with the severity of the breach of the code. She advised that if a member of staff had behaved in a similar fashion that they would have faced disciplinary proceedings and potential dismissal.

Following consideration of the evidence the Sub Committee was mindful of the fact that this was not the first time that the Subject Member had breached the Code in similar circumstances. In March 2014 he was found in breach of the Code for having accessed pornographic material on his Wigan ICT equipment. The Sub Committee was concerned that the Subject Member had shown no remorse following that decision. To the contrary, even though he knew that he was under investigation for accessing pornography and misuse of IT resources on his Council supplied computer he continued to use his phone in an inappropriate manner clearly demonstrating his contempt for the Council's policies.

The Subject Member's reference to the Sub Committee as a "toothless Neo Nazi style labour kangaroo court" showed his further contempt for the Committee and its role. The Sub Committee also expressed its frustration and disappointment with the Subject Member's attack on the investigating officer who the Sub Committee considered to be a well-qualified and dedicated officer of the Council, undeserving of such vindictive and bullying behaviour.

The Sub Committee considered the action available to it and taking into account the seriousness of the complaint and the requirement that any action should be relevant and proportionate to the complaint, and having consulted with the Independent Person resolved the following actions to be taken.

Resolved: The Sub Committee agrees that the following sanctions are to be imposed:-

- (1) The Subject Member's access to the internet via the Council's ICT facilities be withdrawn from his ICT permissions until the end of his term of office;
- (2) The Subject Member be directed to return any ICT equipment supplied to him by the Council that allows access to the internet and in the meantime any such access be disabled. The equipment be not returned to him before the end of his current term of office;
- (3) All emails the Subject Member sends to officers should be intercepted before delivery to the officer and should only be forwarded on to the relevant officer to respond to if they are respectful and courteous and do not contain abuse, rudeness or ridicule and are not considered to be harassing either in the content of the email or volume of emails he sends to the officer;
- (4) Having particular regard to the discriminatory and sexist nature of the text messages he has sent on his Council supplied mobile telephone any contact by the Subject Member with Council officers should be restricted to emails, except for urgent matters requiring an immediate response which may be made by telephone but only to a named officer or officers supplied to him by the Council, from time to time;
- (5) Having particular regard to the discriminatory and sexist nature of the text messages he has sent on his Council supplied mobile telephone female officers should be made aware that if they receive a telephone call from the Subject Member they should transfer the call to the said named officer(s) of the Council if urgent or, if not urgent, inform the Subject Member that he should make his request by email;
- (6) The Subject Member's Council supplied landline be restricted such that his ability to call premium rate numbers be disabled. If this is not possible his use of such landline should be monitored;

- (7) Because of the discriminatory and sexist nature of the text messages he has sent on his Council supplied mobile telephone the Subject Member be directed to attend equal opportunities training;
- (8) The Subject Member's group leader be informed of this decision and the Sub Committee's concern over his behaviour;
- (9) A press release of the outcome of the hearing is to be published;
- (10) Details of the outcome of the hearing are to be published in a newspaper circulating in the Tyldesley area;
- (11) The formal decision notice of the outcome of the hearing and the investigator's report (excluding the appendices), redacted as considered necessary by the Monitoring Officer, is to be published on the Council's website;
- (12) The formal decision notice of the outcome of the hearing and the investigator's report (excluding the appendices), redacted as considered necessary by the Council's Monitoring Officer, to be submitted to the next meeting of the Standards Committee and Full Council and that Full Council be recommended to censure Councillor B for his misconduct and breach of the Members' Code of Conduct; and
- (13) All sanctions will be monitored and the Sub-Committee should be re-convened, so that further sanctions may be considered, should the Member fail to comply with the above requirements

2. WIGAN COUNCIL STANDARDS AD HOC COMMITTEE 7 OCTOBER 2014

The Sub Committee considered a report of the Investigating Officer which requested Members to consider allegations against a Member that he had breached the Council's Members' Code of Conduct.

The Sub Committee was notified by the Subject Member that he was unable to attend the Hearing but had indicated that he would be represented. The Sub Committee allowed 20 minutes after the advertised time before commencing the meeting, to allow the Subject Member's representative time to attend, but he did not arrive. The Sub Committee then took the decision to hear the matter in the Subject Member's absence.

The Sub Committee considered representations from the Investigating Officer as whether the Hearing should be open to the public or held in private. The Sub Committee also took into account the preference of the witness that the Hearing should be held in private. The Sub Committee had not received notification from the Subject Member as to whether he wanted the hearing to be held in public or private. Following legal advice, the Sub Committee agreed to hold the hearing in private on the grounds that Paragraphs 1 and 2 of Schedule 12a of the Local Government Act 1972 applied (information relating to any individual or which is likely to reveal the identity of any individual) as in this case, discussion would involve details of individual(s), including not just the Subject Member, but the witnesses and individuals referred to in the investigation report.

The Sub Committee took into account the oral and written representations on behalf of the Investigating Officer, which set out the details of the complaint. A Council Officer was called as a witness on behalf of the Investigating Officer.

The Sub Committee agreed the following facts:-

- the Subject member did have a site visit with a Senior Technical Officer Safer Environment and residents on the 18 June at around 1pm;
- on the evening of 18th June 2013, the Subject Member pulled up in his car alongside the Officer and her daughter;
- the Subject Member told the Council Officer about an article in the papers regarding Haigh Hall;
- the Subject Member told the Officer, the Labour Political Group would be out of the next election and that she would be working for him;
- the Subject Member subjected the Officer and her daughter to intimidatory behaviour and their perception of the Council and its Members was now tainted by the experience.

The Sub Committee reached these findings on the balance of probabilities. In doing so the Sub Committee found the witness to be credible. The Sub Committee considered the information provided by the Subject Member, but as he had chosen not to attend, was unable to hear oral evidence from him or question him. The Sub Committee considered that there were inconsistencies in the information provided by Councillor BR.

The Sub Committee considered that the Subject Member had been acting in his official capacity at the relevant time and were advised that following his investigation, the Investigating Officer had concluded that the Subject Member had breached the Code of Conduct under the following two articles:-

- Paragraph 3(1)(b) – You must not bully or be abusive to any person
- Paragraph 5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

Following legal advice, the Sub Committee considered additional issues raised by the Investigating Officer that had come to light following his investigation. These issues related to the Subject Member issuing confidential information in respect of this complaint to all Members of the Standards Committee, other Members of the Council and the local press. However, the Sub Committee felt it inappropriate to reach any finding upon these issues at this time.

Having consulted with the Independent Person, the Sub Committee was of the view that the Member had failed to comply with Paragraph 3(1)(b) and Paragraph 5 of the Council's Code of Conduct. The Sub Committee felt, that where further issues were discovered during the course of the investigation, which revealed further potential breaches of the Code of Conduct, those should be put to the Monitoring Officer to give him the opportunity to decide whether the scope of the investigation should be broadened to cover those further allegations and, if so, advise the Subject Member accordingly.

Resolved: The Sub Committee having consulted with the Independent Person agrees:-

- (1) that the formal Decision Notice and the Investigator's report (to be redacted, as considered necessary by the Monitoring Officer, in order to remove personal information), is published on the Council's website;

- (2) that details of the outcome to be published in the press and also in a newspaper circulating in the Hindley Green area;
- (3) that the decision on appropriate sanctions be deferred until the final Hearing of the Subject Member on 4 November 2014.

3. WIGAN COUNCIL STANDARDS AD HOC COMMITTEE 21 OCTOBER 2014

The Sub Committee considered a report of the Investigating Officer that requested the Sub Committee consider allegations against a Member, that he had breached the Council's Members' Code of Conduct.

The Sub Committee had been notified by the Subject Member, that neither he nor his representative would be attending the hearing. The Sub Committee decided to hear the matter in the Subject Member's absence, and in doing so took into account the following matters;

- the Subject Member had been offered a number of opportunities to engage with the process;
- it had been at Subject Member's request (through the Chair of the Standards Committee) that hearings against him take place separately, one per week;
- the complaint had been outstanding for a considerable period;
- the Subject Member had been aware of the date and time set for the hearing for a reasonable time;
- the investigating officer was in attendance and had prepared for the hearing to take place; and
- the hearing had already been postponed on a previous occasion at Subject Member's request.

The Sub Committee then took into account the oral and written representations of the Investigating Officer, which set out the details of the complaint.

The Sub Committee agreed the following facts:-

- the Subject Member did visit the complainants' address;
- the Subject Member did engage in a heated argument with one of the complainants; and
- the Subject Member did attend one of the complainant's place of work.

The Sub Committee reached these findings taking into consideration the information provided by the Subject Member, but as he had chosen not to attend, they were unable to hear oral evidence from him or question him.

Having considered the view of the Investigating Officer, the written statements provided, the response from the Subject Member and the legal advice provided, the Sub Committee concluded that the Subject Member was acting in his capacity as a Councillor during the incident. This was on the basis that:

- the Subject Member's actions were all related to making representations on behalf of a resident;

- the Subject Member had attended one of the complainant's place of work in his official capacity;
- the Subject Member had attended the complainants' home in response to a request from a neighbour, which related to a Council service; and
- the Subject Member had not denied that he was acting in his official capacity.

Having determined that the Subject Member had been acting in his official capacity at the relevant time the Sub Committee were advised that following his investigation, the Investigating Officer had concluded that the Subject Member had breached the Code of Conduct under the following article:-

- Paragraph 5 – *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.*

In reaching this conclusion, the Sub Committee took into account the evidence that the complainants' child had been upset by the confrontation. The Sub Committee also took into account that one of the complainants had accepted that he had contributed to the situation escalating into a heated argument. Nevertheless, although provoked by the behaviour of the complainant, the public expected and should receive certain standards of behaviour from a Wigan Councillor and the Subject Member's actions fell below that expected of a Councillor. The Sub Committee felt that in becoming involved in a heated exchange in a public place, and in raising his voice to one of the complainants, the Subject Member had brought his office and the Council into disrepute.

The Sub Committee, having consulted with the Independent Person, resolved the following actions to be taken:

- (1) The formal Decision Notice is to be published on the Council's website;
- (2) Details of the outcome to be published in the press and also in a newspaper circulating in the Hindley Green area;
- (3) The decision on any further appropriate sanctions to be deferred until the conclusion of the final hearing of the Subject Member in November 2014.

4. STOKE ON TRENT CITY COUNCIL HEARINGS PANEL 13 OCTOBER 2014

The Hearings Panel met to hear and determine a complaint that Councillor S had breached paragraph 5 of the Members' Code of Conduct, which states 'You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'.

The Panel was informed that Councillor S had contacted the Monitoring Officer prior to the Hearing to confirm that he would not be attending.

A motion moved by Councillor D and seconded by Councillor H that in the interests of expediency the case be considered in Councillor S's absence was carried.

In summary, the alleged breach of the Members' Code of Conduct was that Councillor S had sent texts to a Radio Stoke debate programme under various

aliases in support of the City Council and its policies and criticising opposition councillors. On receipt of the complaint, the Monitoring Officer had met with the Independent Person to determine whether or not there was a prima facie breach of the Members' Code of Conduct. It was agreed that there was and the Deputy Monitoring Officer was therefore appointed to undertake an investigation.

The Panel was provided with the Deputy Monitoring Officer's report of the investigation, the Pre-Hearing Process Summary and the proposed order of proceedings, in advance of the hearing. In accordance with the order of proceedings, the Panel considered the report of the Deputy Monitoring Officer. Having considered the report, the evidence presented and having read the submissions made by Councillor S; and having announced their findings – that the complaint made by Councillor C be partly upheld and that Councillor S's actions could be perceived as acting in an official capacity and therefore could be reasonably regarded as bringing his office or authority into disrepute - the decision of the Panel was as follows:-

Resolved

- (i) - That Councillor S be reprimanded.
- (ii) - That the Hearings Panel publish its findings in respect of Councillor S's conduct.
- (iii) - That the Hearings Panel reports its findings to Council for information.
- (iv) - That the Hearings Panel recommends to the Leader of the Council that Councillor S holds no Cabinet position or any Chair's position for the remainder of the current municipal year.
- (v) - That the Hearings Panel instructs the Monitoring Officer to arrange and conduct appropriate training for Councillor S.

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Public report
Ethics Committee
Council

Ethics Committee
Cabinet Member (Policing and Equalities)
Council

10th March 2015
26th March 2015
Date to be confirmed

Name of Cabinet Member:
Councillor Philip Townshend, Policing and Equalities

Director Approving Submission of the report:
Executive Director, Resources

Ward(s) affected:
Not applicable

Title: Proposed Amendment to Code of Conduct for Elected and Co-opted Members

Is this a key decision?
No

Executive Summary:

At its meeting on 29th August 2014, the Ethics Committee considered a report on the Code of Conduct during the course of which it decided that it should recommend to Council that the Code of Conduct should be amended to draw members' attention to the requirement not to disclose confidential information. This report provides the Committee with suggested wording for an amendment and asks the Committee to consider the wording and make recommendation to full Council.

Recommendations:

1. The Ethics Committee is recommended to:
 - (1) consider the proposed additional wording for the Code of Conduct for Elected and Co-opted Members; and
 - (2) recommend to the Cabinet Member, Policing and Equalities that he recommends to full Council that it approves the additional wording to the Code and that Part 4A of the Council's Constitution is amended accordingly.

2. Cabinet Member (Policing and Equalities) is recommended to:

(1) Recommend to Council that it approves the additional wording to the Code of Conduct and that Part 4A of the Council's constitution is amended accordingly.

3. Council is recommended to approve the additional wording to the Code and that Part 4A of the Council's Constitution is amended accordingly.

List of Appendices included:

Code of Conduct for Elected and Co-opted Members with proposed amendment

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: Proposed Amendment to Code of Conduct for Elected and Co-opted Members

1. Context (or background)

- 1.1 At its last meeting on 29th August 2014 the Committee considered a report on the Code of Conduct. The Committee resolved, among other things, to consider amending the Code to make it clearer to members their responsibilities with regard to not disclosing confidential matters. Officers were asked to draft an amendment to the Code and bring it back to this meeting for the Committee to consider.

2. Options considered and recommended proposal

- 2.1 The Code of Conduct has been re-drafted to include some additional wording in paragraph 3(g) emphasising that members may not disclose information provided to them in confidence to third parties unless they have prior approval. This last proviso has been added in because there may, exceptionally, be occasions when it is appropriate to disclose confidential information. These might include, for example, where a member is required by law to disclose information or where he or she needs to disclose it in order to obtain professional advice.
- 2.2 A copy of the Code of Conduct is attached as an appendix to this report with the additional text underlined.
- 2.3 If the Committee is minded to approve the additional text, with or without amendment, it will need to recommend the change to the Cabinet Member, Policing and Equalities who in turn will make his recommendations to full Council.

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

- 4.1 The change would take effect immediately after the council meeting at which it is approved.

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, amending the Code of Conduct will help to demonstrate that the Council keeps the code under review.

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?

Clarifying members' obligations with regard to confidential information will help to reduce the risk of information being wrongly disclosed.

6.3 What is the impact on the organisation?

If implemented, the amendment to the Code of Conduct will help to promote 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.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author(s): Carol Bradford

Name and job title: Solicitor, Place and Regulatory Team, Legal and Democratic Services

Directorate: Resources

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Helen Lynch	Place and Regulatory Team Manager	Resources	08.10.14	14.11.14
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Finance: Carolyn Prince	Finance	Resources	28.11.14	08.12.14
Legal: Christine Forde	Assistant Director Legal and Democratic Services	Resources	25.11.14	25.11.14
Director: Chris West	Executive Director Resources	Resources	10.12.14	
Councillor Townshend	Cabinet Member, Policing and Equalities		28.11.14	

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PART 4A: CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS
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:

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.
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.
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.
- (l) Not disclose information given to me in confidence by anyone or information acquired by me, which I believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it.

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.

5. Register of Interests

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.

5.2 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.

6. Disclosable Pecuniary Interests Entered on the Register

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.

7. Disclosable Pecuniary Interests NOT Entered on the Register

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.

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.

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.

8. **Other Relevant Interests**

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.

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.

Signed:.....

Full name:

Date:

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10th March 2015

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Executive Director, Resources

Ward(s) affected:

None

Title: Review of the Operation of the Code of Conduct for Employees

Is this a key decision?

No

Executive Summary:

In its work programme for 2014/15 the Committee has decided to review the operation of the Code of Conduct for Employees and to consider any review recommendations. This report sets out the current Employees' Code of Conduct in full and gives some back ground to its use and updating.

Recommendations:

The Ethics Committee is recommended to:

- (1) consider the current Code of Conduct for Employees ; and
- (2) make any recommendations on the content of the Code or its usage as it thinks appropriate.

List of Appendices included:

Appendix 1: Code of Conduct for Employees

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 the Operation of the Code of Conduct for Employees

1. Context (or background)

- 1.1 The Committee's terms of reference include "monitoring the operation of the Code of Code for Employees and making appropriate recommendations to the relevant body". The Committee's work programme includes an item for this meeting to review the operation of the Code of Conduct for Employees over the last 12 months and to consider any review recommendations.
- 1.2 Attached at Appendix 1 to this report is the Code of Conduct for Employees.

2. Options considered and recommended proposal

- 2.1 The Code of Conduct for Employees was amended by full Council in January 2014 as part of the overall review of the Constitution. In particular, a new section on the use of social media was added along with additional wording concerning the wearing of name badges. The changes came into operation in July 2014. The new section on social media can be found at Section 12 of the Code and additional text on name badges is found in paragraphs 17.2 and 17.3. New text is underlined.
- 2.2 All employees are made aware of the Code and where to find it. Training is available in certain aspects of the Code. The Code is regularly referred to during disciplinary procedures involving employees.
- 2.3 At present the Code is being reviewed by officers as part of a wider review of HR policies. Members are asked to consider whether there are any parts of the Code that they would like to see amended or revised. Any comments or recommendations that the Ethics Committee makes in connection with the content of the Code will be fed back to officers undertaking the review.

2 Results of consultation undertaken

There has been no consultation on this report. .

4. Timetable for implementing this decision

- 4.1 If the Committee makes any recommendations as to changes in practice, these will be reported back to officers carrying out the review of the Code.

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, reviewing the operation of the code of conduct for employees will help to demonstrate that the Council continues to monitor and review ethical standards within the Council.

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?

The Code of Conduct for Employees gives guidance to employees on the standards of behaviour that are expected of employees. The Code therefore helps to ensure that the risk of employees behaving in an unacceptable manner is minimised.

6.3 What is the impact on the organisation?

Keeping matters such as this under review will help to promote 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.

6.5 Implications for (or impact on) the environment
None

6.6 Implications for partner organisations?

None at this stage

Report author(s): Carol Bradford

Name and job title: Solicitor, Place and Regulatory Team, Legal and Democratic Services

Directorate: Resources

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Christine Forde on behalf of Chris West	Executive Director, Resources	Resources	23/02/15	27/02/15

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APPENDIX 1

PART 4B: CODE OF CONDUCT FOR EMPLOYEES

1. Introduction and Scope

- 1.1 This Code of Conduct is based on the key principles arising from the work of the Nolan Committee on the Standards in Public Life. The Code outlines the minimum standards that you as a Council employee, must adhere to. This Code does not apply to school based teaching staff or centrally employed teachers who have their own Code.
- 1.2 You must comply with this Code as it forms part of your terms and conditions of employment. The Council believes that employees are responsible for their actions. It is the responsibility of all employees to read the Code. If any of the provisions contained within this Code of Conduct, related Codes of Practice or Policies are not fully understood, then you must, in your own interests, seek clarification from your manager or the Human Resources Service.
- 1.3 All employees are expected to perform their duties with honesty, integrity, impartiality and objectivity and in particular to:-
- (a) Give the highest possible standards of service
 - (b) Do nothing inside or outside working hours which could damage the City Council's reputation
 - (c) Behave honestly
 - (d) Follow the City Council's policies and procedures
- 1.4 The people who live in, work in, or visit Coventry, are entitled to high-quality services and a high standard of behaviour from all of the City Council's employees. Public confidence in employees' integrity would be shaken by the least suspicion that they could be influenced by improper motives. You must not put yourself in a position where your honesty or integrity could be called into question. The Council reserves the right to monitor its employees including surveillance, (in accordance with any relevant legislation and City Council policies) to ensure that the provisions of this Code of Conduct are being adhered to.
- 1.5 If your actions or behaviour fall below the standards set out in this Code then the City Council may take formal disciplinary action against you including the possibility of summary dismissal without notice. Serious misconduct, criminal offences or other acts committed outside working hours which bring the City Council into disrepute may also result in formal disciplinary action being taken against you, in accordance with the City Council's procedures.
- 1.6 You must comply with the rules and procedures set by the City Council in relation to actions and behaviours. These include:-
- (a) Equal Opportunities Policies
 - (b) Race, Disability, Gender and Sexual Orientation Equality Policies
 - (c) Anti-bullying and Dignity at Work Policy

- (d) Flexitime Scheme
- (e) Acceptable Use of ICT Facilities Policy
- (f) Customer Care Standards
- (g) Policy and Strategy on Theft Fraud and Corruption
- (h) No Smoking Policy
- (i) Addiction and Substance Misuse Policy
- (j) Corporate Health and Safety Policy
- (k) Corporate Promoting Health at Work Policy and Procedure
- (l) Recruitment Code of Practice

2. Working with the Community

- 2.1 You must always remember your responsibilities to the people of Coventry and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.
- 2.2 The City Council values its partnership with other public, private and voluntary organisations and all employees should create successful working relationships with these organisations.
- 2.3 You have a duty at all times to uphold the law and relevant guidance bearing in mind the public's trust placed in Council employees.
- 2.4 The City Council will not tolerate an employee's physical, emotional or verbal abuse, harassment, discrimination, victimisation or bullying of service users, members of the public or other employees. Such actions may be deemed to be misconduct or gross misconduct and may result in disciplinary action including dismissal.
- 2.5 Employees working with young people or vulnerable adults are in a particular position of great trust. A breach of that trust, assault or sexual misconduct or breach of policies and procedures meant to safeguard vulnerable service users and other recipients of Council services will be regarded as potential gross misconduct. This may lead to disciplinary action including the possibility of summary dismissal without notice. Directorates will have appropriate guidance on good practice and working arrangements for dealing with vulnerable people which aims to ensure an appropriate professional environment and the application of necessary safeguards through risk assessment to address any potentially vulnerable situations.
- 2.6 The City Council believes that all its employees are entitled to be treated with respect, free from any threat or violence from members of the public, service users or others. If a member of the public is abusive or unreasonable, and you cannot ease the situation, you should try to end the conversation politely and then tell your Manager. Do not be rude or offensive in return. You should inform your Manager in writing immediately of any aggressive or offensive customer you have dealt with. Your Manager will be able to give you details of the policies that operate within your service area for dealing with aggressive or offensive customers.
- 2.7 If you are assaulted, you can take reasonable action to defend yourself, but you risk breaking the law if you overreact. In certain circumstances, it

may be necessary for security staff to use reasonable force to remove a person who has acted violently and refused to leave the premises. Employees can call the Police if they need their help. The City Council will support and take appropriate action on behalf of all staff who are assaulted or abused in the course of their duties.

- 2.8 You should never mislead people who use the City Council's services or lie about the Council's business.

3. **Working with other Employees**

- 3.1 All employees have a right to be treated with dignity at work. You should always respect your colleagues and other employees and treat them how they wish to be treated. You should always help other colleagues if they need information, advice or services.

- 3.2 All forms of bullying, including violence, threats or verbal aggression towards colleagues is unacceptable and will be dealt with seriously by the City Council. It is not acceptable for an employee to abuse their position with the City Council to take advantage of other employees. If there are important issues that cannot be resolved amicably with another colleague, then you must make the situation known to their Manager. It is not acceptable to fight with, or assault, any employee or stop them from working.

- 3.3 All employees are required to follow the Council's policies on equalities and diversity. All forms of harassment, including racial and sexual harassment, and harassment on the grounds of disability, religion, class, sexuality, age, political affiliation or membership of a Trade Union are unacceptable. If you do not understand any part of the Council's policies on equalities, and diversity then you should raise the matter with your Manager.

- 3.4 If you leave your job, you should make sure that you leave your files and records in good order for the person taking over from them. You should put a note on each file, unless your Manager tells you otherwise, giving a brief history of the case, any action that needs to be taken and when it should be done. Any important dates and deadlines should be highlighted.

- 3.5 Personal relationships with colleagues who have a line management relationship with the post you hold must be declared upon appointment. If, subsequent to appointment, you develop a close personal relationship with a colleague who has a line management relationship, then you must inform your Assistant Director immediately who will consider the appropriateness of such a relationship in conjunction with the duties of the post.

- 3.6 There are certain circumstances where close personal relationships can impact on the Council. If you are unsure about the need to inform your Assistant Director about a close personal relationship with a colleague, then you should seek advice from your Manager, or from the Human Resources Service.

- 3.7 The Council operates a "No Smoking" Policy. This applies to all Council buildings and those where Council services are provided. It also applies when transporting service users in Council or private vehicles. The policy also applies to visits to service users in their own homes or other establishments.
- 3.8 You should not consume alcohol when you are on duty, unless agreed beforehand by your Manager for specific occasions. You should make sure that if you drink any alcohol when you are off duty, but during the working day, it will not affect your ability to carry out your work or damage the reputation of the City Council. For example, this could include if you have alcohol on your breath when you need to interview the public. If you use heavy machinery or drive Council vehicles, you should never drink alcohol during the working day. Some posts carry a specific restriction concerning drinking at any time and you will be told by your Manager or the Human Resources Service if this restriction applies to your job.
- 3.9 You should not take any non-medical substance, such as drugs that may affect your ability to work. Prescribed drugs may be taken on condition that they do not interfere with service delivery. If a Doctor gives you any medication that may have a negative effect on your performance, you should tell your Manager in confidence. The use of illegal substances will not be tolerated by the Council and may result, not only in formal action being taken against you, including the possibility of summary dismissal, but also with the matter being reported to the Police.

4. **Working with Managers**

- 4.1 It is important that employees have an effective working relationship with their Manager. You must always be honest with your Manager. The Manager will tell you what is expected from you, respond to any concerns you may have about your work, assess your performance and give you feedback, in seeking advice on how you can improve.
- 4.2 Your Manager and the Human Resources Service should tell you about the City Council's personnel policies and arrange for any appropriate training and development. You should help your Manager identify what training and development you need and how this can be provided.
- 4.3 You can expect your Manager to be polite, reasonable and fair to you all the time. Managers are there to support employees in their job and help them, if they need it, to deal with other employees or members of the public or other service users.
- 4.4 You must follow any instructions that your Manager gives you to the best of your ability. You must not be negligent in your duties as this may seriously affect the City Council or the people who use its services. If there is anything about your job you are unclear about, you should ask your Manager.
- 4.5 You must participate in any initiatives designed to improve the efficiency and effectiveness of service delivery.

- 4.6 You should always follow City Council policies, procedures, rules, codes of practice, and any other standards that may be set by your Manager. You should fill in any document, form or record in an honest way and never damage, alter or falsify them. You should never conceal any matter that you know you should report.
- 4.7 You must always tell your Manager, and update the computerised HR system, if you change your home address, telephone number and next of kin so that the City Council can contact you.
- 4.8 If an employee has a complaint about another employee, they should tell their Manager. The City Council has a grievance procedure to deal with complaints.

5. Working with Councillors and Political Neutrality

- 5.1 Members of the Council, including co-opted Members, and employees have distinct but complementary roles. It is important for the effective operation of the Council that these respective roles are well understood and relationships between Members and employees are constructive. Mutual trust and respect between employees and Members are essential to good Local Government.
- 5.2 In carrying out your duties you must ensure that the individual rights of all Councillors are respected. You are expected to be polite and efficient when dealing with Members and you should ensure that you follow any Directorate process for dealing with Members, for example, when answering Councillors enquiries.
- 5.3 You should never discuss any personal matters relating to your job with Members but should use the relevant Council procedures relating to grievances, appeals or consultation. Employees must not use Members to bypass formal Council procedures in any way.
- 5.4 You should never interrupt any formal Council business, such as a Council meeting.
- 5.5 Close personal familiarity between employees and individual Councillors should be avoided whenever possible, as this can damage the relationship, can be embarrassing to other employees and Councillors and can damage the City Council's reputation and probity. If you are in or develop a close personal relationship with a Councillor you should notify your Assistant Director who will along with Human Resources, consider the appropriateness of such a relationship in conjunction with the duties of the post.
- 5.6 You should never directly or indirectly seek the support of any Councillor when you are making an application for further employment within the Authority.
- 5.7 Employees serve the Council as a whole. This includes all Councillors and not just those of a particular group. You must ensure that the individual rights of all Councillors are respected.

- 5.8 You must not allow your personal or political opinions to interfere with your work. Certain posts are "politically restricted" and subject to statutory requirements. If your post is politically restricted, you will be told of the restrictions that apply. If you require any further information, then ask your Manager or the Human Resources Service.
- 5.9 Subject to the Council's conventions, you may be required to advise political groups and must do so in ways that do not compromise your political neutrality. When you attend a political group meeting, you should only do so by invitation and are there solely to advise and to answer questions. You should leave such meetings before any decisions are taken, unless specifically requested not to do so. All employees will observe confidentiality with regard to the issues raised whilst they are present at any group meeting, except to the extent necessary to undertake any further work requested by that group.

6. **Working Safely**

- 6.1 The City Council has a duty to provide a safe and healthy working environment. The City Council will also try and protect the health and safety of the people who use our services.
- 6.2 You also have a responsibility for health and safety and are expected to:-
- (a) Make sure your working environment is safe for yourself, your colleagues and the people who use City Council services and that you do not put employees or service users in danger
 - (b) Use any safety clothing and equipment that is needed for your work and make sure that that equipment is not misused, neglected or damaged
 - (c) Report any accident or "near misses" you have at work as soon as you can and accurately fill in an accident report form
 - (d) Attend the Occupational Health Service if a Manager asks you to, and to have any medical examination that Occupational Health recommend
 - (e) Follow any particular hygiene requirements that are relevant to your job
 - (f) Tell your Manager if you are taking any medication that may affect your job
 - (g) Never use any machinery or drive a vehicle if you have taken any medication or drug including alcohol that will affect your ability to operate
 - (h) Co-operate with all health and safety activities, including training which is organised to promote health and safety
 - (i) Follow requirements under the Working Time Directive and Council's procedures to record your time.

7. Working Hours and Attendance

- 7.1 You should always be reliable and on time when you come to work and attend appointments.
- 7.2 If you need to ask for leave under any of the City Council's leave schemes, for example, maternity, sickness, flexible working hours or special leave, you must follow the conditions of the scheme.
- 7.3 You should fill in any relevant paperwork such as a request for annual leave or flexi leave within the time set by your Manager. The Council operates a collective agreement relating to the Working Time Regulations and this requires employees to undertake appropriate time recording and notify your Manager of any dual employment within the Council.
- 7.4 If you are sick, you should always follow the sickness reporting procedure.

8. Working with Integrity and Personal Interests

- 8.1 If you offer or accept any bribe, money, favours or gifts from an individual or an organisation that provides Coventry City Council with goods or services or wants to do so, you may be guilty of corruption.
- 8.2 You should never put yourselves in debt to someone if it may influence your work in any way.
- 8.3 You must tell your Manager if anyone tries to bribe you or another employee or if there is any evidence of corruption or improper behaviour by others. If your Manager is involved, you should report it to the Internal Audit and Risk Manager or to the City Solicitor.
- 8.4 There may be occasions where you have a financial or other interest in something being done by the City Council.
 - (a) You will have a financial interest where either you or any member of your family has something to gain or lose financially. Such interest can be direct, such as applying for planning permission or services or grant from the Council, or indirect, such as being a member of an organisation which has made an application to the Council for a grant.
 - (b) A personal interest is where you, or any member of your family, friends or organisation to which you belong could gain or lose (other than financially) from an act or decision of the Council.
- 8.5 All City Council employees have a statutory duty to declare any financial interest that they, or a member of their family has in any contract or potential contract with Coventry City Council. If you have such a financial interest, you must not take part in any negotiations or preparations for the contract. If you have an interest in a contract, and have to monitor it as part of your duties, then you must advise your Assistant Director, who will decide whether or not that role can still be undertaken. This also applies in any case where the City Council pays or proposes to pay, money, for example a grant, to another organisation, whether or not there is a formal contract with that organisation.

- 8.6 You are required to declare to the City Solicitor, any financial interest which could conflict with the City Council's interests, including any directorships or equivalent position which you may hold.
- 8.7 You must declare to your Assistant Director, any other non-financial or personal interests which could conflict with the City Council's interests. Details of these interests will be kept in a register which will be open for public inspection.
- 8.8 Employees involved in any tendering process and dealing with contractors are expected to understand and be aware of the need for accountability and openness.
- 8.9 You must be fair when dealing with customers, suppliers and other contractors or sub-contractors.
- 8.10 You must make sure you do not give any special favours to current or former employees or your friends, partners, relatives or associates when awarding contracts to businesses run by them or employing them in a senior role.
- 8.11 You may have access to confidential information, tenders or costs, and must not disclose that information to any unauthorised party or organisation. If you are not sure whether information is confidential or not, you should seek guidance from your Manager.
- 8.12 The Council will not tolerate any of its employees engaging in fraud against the City Council. If you think that a colleague may be committing fraud, you must tell your Manager, who will then tell the Internal Audit and Risk Manager and the City Solicitor. If you cannot discuss the matter with your Manager, then you should raise the matter either with your Assistant Director or with the City Solicitor. If you report anything to your Manager, but they do nothing about it, you may contact the Chief Internal Auditor.
- 8.13 Defrauding, stealing or attempting to do so, from the City Council, will not be tolerated. This includes deliberately giving false information on claims, such as timesheets, mileage and travel/subsistence allowances, petty cash forms, self-certification forms or attendance records. You should always complete any document, form or record honestly.
- 8.14 The Council requires its employees to report genuine concerns relating to potential fraud, theft or unethical behaviour to their Managers/Supervisors. In addition, you can contact any person or organisation named in the Whistleblowing procedure.

9. **Working with Money and Property**

- 9.1 The City Council's property such as stationery, photocopiers, word processors, tools, materials, offices, car parks and facilities may only be used for Council business. Other facilities such as telephones, mobile phones, internet, e-mail can only be used in accordance with the relevant Council policies and procedures. If you wish to use any of these facilities

for private use, then you must first obtain the written consent of your Assistant Director.

- 9.2 You must not steal, borrow without authorisation, damage on purpose, or seriously neglect anything that belongs to the City Council. You should not steal or damage on purpose anything belonging to the Council's customers, service users, employees, Councillors, partners or anyone else who you come into contact with in your work.
- 9.3 You must return any property or equipment which you have been allowed to borrow by your Manager as soon as you leave your job or when your Manager tells you to do so. The City Council will regard any theft or improper private use involving its money, property, equipment or investments as a serious matter and it is the policy of the City Council always to prosecute in such cases.
- 9.4 Telephone calls and e-mails/internet logging systems are in operation in the City Council and may be used to identify usage for private purposes. Any communications using City Council systems, including the use of mobile telephones may be monitored by the City Council in accordance with the law and relevant policies.
- 9.5 You must ensure you use public funds entrusted to them in a responsible and lawful manner in accordance with the rules prescribed by the City Council to ensure value for money and to avoid legal challenge. All employees are required to comply with the City Council's Standing Orders, regulations and administrative procedures relating to financial management.

10. **Working and the Law**

- 10.1 You are expected to keep within the law during your employment at all times. The City Council cannot act, or require, any employee to act outside or in breach of the law.
- 10.2 You must tell your Manager if you are charged with any offence, including driving offences. The Manager will decide if the City Council's reputation may be damaged as a result, taking account of the job and whether or not the charge might make you unfit to do your job.
- 10.3 You must tell your Manager, in writing, if you receive any criminal conviction, binding over or caution, unless it is excluded by the provisions of legislation relating to the Rehabilitation of Offenders.

11. Working and Contact with the Media

- 11.1 It is City Council policy that all media liaison relating to Council activities is headed by the Corporate Communications Team, (or Directorate team where relevant) in conjunction with Heads of Service and Strategic Management Board members. You should therefore not speak, write, give interviews or take telephone calls for "information" relating to Council business unless you have the prior permission of your Manager, your Directorate Communications Team and/or the Head of Corporate Communications.
- 11.2 You should pass on all enquiries from the press, radio, television or other media to the press office and your Manager, unless dealing with such enquiries is a normal part of your job.
- 11.3 You may write or give an interview about things that are not connected with Coventry City Council, as long as you are not identified as being a City Council employee or as representing the Council's views. Where you are writing material for publication which does not refer specifically to the City Council, but does relate to your profession/occupation, then you must notify your Assistant Director prior to publication.
- 11.4 You must never publicise material which is confidential or against the City Council or any employee's interest.
- 11.5 If you are a corporate accredited trade union official recognised by the Council then you may have contact with the media in relation to the activities of your Trade Union without seeking any prior approval of your manager or Corporate Communications.

12. Use of Social Media

- 12.1 You must ask permission from your manager before you use social media for promoting or communicating on behalf of the Council and your service.
- 12.2 Examples of social media are Facebook, LinkedIn, YouTube, Twitter, Flickr, MySpace and website forums, but can include other networks.
- 12.3 If you are posting or communicating on a social media network in your own time and from your own personal device (whether a PC, smartphone or any other device) you must remember that many people seeing what you have posted, will know you work for the Council. You must not post or share material on any social network that others may find offensive, disrespectful or discriminatory towards council employees, service users or partners.
- 12.4 You should never make comments about the Council or Council business which undermine your employment relationship with the Council.

13. Gifts and Hospitality and Sponsorship

13.1 Gifts

- 13.1.1 The City Council expects the conduct of all of its employees to be of the highest standard. Employees' actions must not be influenced by offers of

gifts or hospitality and their actions must not give the impression that they are influenced in this way. Acceptance of any gift should be the exception. The City Council recognises that there are some items, of token value, which may be accepted.

- 13.1.2 You must not accept personal gifts of any kind, unless they are modest and are of token value (less than £25). Items such as coffee mugs, diaries, calendars or other promotional materials can be retained if your Manager agrees. However, these gifts must be recorded in the relevant hospitality register unless your Manager tells you otherwise. If your Manager does not allow you to accept any small gifts, you must return them politely, but firmly, telling the person who gave it why and recording it in the Hospitality Register.
- 13.1.3 Without causing offence, you should discourage service users or other organisations from offering gifts. However, where small gifts, such as chocolates, are given as thanks for a service provided, then these can be accepted if they are shared within the Team or raffled for charity. No gift of alcohol or tobacco should ever be accepted.
- 13.1.4 If gifts have a higher value than £25, then you should tactfully refuse them. If gifts of this value are delivered, they should be returned with an appropriate explanation. If gifts cannot be returned, then the Assistant Director, or his nominee, should dispose of them to charity and record this fact in the Hospitality Register.
- 13.1.5 Under no circumstances, should gifts of cash, or tokens or vouchers of a monetary value, be accepted.

13.2 **Hospitality**

- 13.2.1 In relation to the acceptance of hospitality, special care should be taken so as to ensure there can be no suggestion that an employee was influenced by such hospitality.
- 13.2.2 You should never accept a gift of hospitality from anyone who is, or may be in the foreseeable future, tendering for any contract with the Council, seeking employment with the Council, seeking any form of consent of grant, or is in dispute with the Council. You should always decline any gift or hospitality if you think the giver has an ulterior motive. You should always be sensitive to the possibility that the giver may think even small gifts or simple hospitality may elicit a better service or preferential treatment in their dealings with the Council.
- 13.2.3 The definition of "hospitality" includes drinks, meals, entertainment, sporting events, overnight accommodation, travel and holidays.

- 13.2.4 The following standards apply to hospitality:-
- (a) If you are offered hospitality, you should tell your Manager immediately and record the offer in the Directorate Hospitality Register, whether it is accepted or not. If you refuse the hospitality, it must be recorded in the Register.
 - (b) You should never accept hospitality unless you genuinely need to give or receive information or to represent the City Council in your work.
 - (c) Your Manager must agree, beforehand, wherever possible.
 - (d) You should never accept any hospitality if it is meant to corrupt or influence, or could be seen to corrupt or influence or as being against the City Council's interests.
 - (e) The timing of hospitality is an important factor. For example, hospitality should never be accepted from a contractor who is about to put in a tender for City Council work.
- 13.2.5 You may accept incidental hospitality, such as light refreshments, working lunch or other meals which is part of a visit, conference, meeting or promotional exercise.
- 13.2.6 Invitations to social events offered as part of normal working life, such as opening celebrations, annual dinners, may be accepted if authorised in advance by the appropriate Assistant Director.
- 13.2.7 Invitations to other types of hospitality which are not directly linked to the City Council's functions, such as attendance at sporting events, theatrical or musical performances, "corporate days", paid holidays or concessionary travel rates, should not be accepted.
- 13.2.8 Where visits are required to inspect equipment, sites etc, you must ensure that the City Council meets all the costs of such visits to avoid jeopardising the integrity of any subsequent purchasing decision. Where anything other than incidental hospitality is offered by an existing contractor, or by an organisation likely to be involved in a contract, the hospitality should be refused. You should avoid socialising with organisations and should pay your own bills for meals, travel etc, (claiming any expenditure back under the Council's procedures for reimbursement as appropriate).
- 13.2.9 Similar rules apply to those instances where employees are offering hospitality on behalf of the City Council. The following guidelines must be observed on all occasions. For the purpose of these guidelines "hospitality" excludes the normal tea, coffee and other refreshments provided at meetings:-
- (a) any hospitality must be provided on a modest scale.
 - (b) so far as is practicable, hospitality must be provided in the workplace.
 - (c) soft drinks only must be provided in the workplace, alcoholic drinks must not be available.

- (d) if it is necessary to provide hospitality outside the workplace, this must be on a model scale appropriate to the occasion. The cost must not be excessive.
- (e) the number of employees involved on any occasion when hospitality is provided must be restricted, and in any event, must not extend beyond those directly involved with the matter in hand.
- (f) the provision of all hospitality must be personally approved by your Manager, and an Assistant Director, Deputy Director or Director.
- (g) bills for hospitality provided must be certified for payment by your Manager, and an Assistant Director, Deputy Director or Director.
- (h) each service will maintain in their hospitality register, a record of all occasions on which hospitality has been provided, the number of persons involved, and the costs incurred.

13.3 Sponsorship

- 13.3.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a City Council activity, whether by invitation, tender, negotiation or voluntarily, the Code concerning acceptance of gifts or hospitality applies.
- 13.3.2 Where the City Council wishes to sponsor an event or service, neither an employee or any partner, relative or friend is expected to benefit from such sponsorship in a direct way without there being full disclosure to, and prior approval by, their Assistant Director of any such interest. Such disclosure and approval shall be recorded in the Hospitality Register.
- 13.3.3 Any register of gifts or hospitality maintained under this Code of Conduct shall be open to public inspection.

14. Recruitment and Selection and other Employment Matters

- 14.1 If you are involved in recruitment and selection you are expected to ensure that all appointments are made strictly on the basis of merit in accordance with the City Council's recruitment and selection processes.
- 14.2 If you are related to an applicant for a position or have a personal or business relationship with an applicant, you should not be involved in the recruitment process.
- 14.3 You should not be involved in decisions relating to the discipline, promotion or pay adjustments of any other employee who is a relative, partner or close personal friend of yours
- 14.4 Any reference that you give in relation to another employee on behalf of the City Council whether it is written or verbal, should be factual and/or give an honest representation of the experience, skills, abilities and/or other qualities of that employee.

15. Outside Commitments and Private Work

- 15.1 The City Council prefers its employees not to have any other outside employment. You must obtain prior consent of your Assistant Director before taking upon any outside employment. Consent will not be given if the outside employment could conflict with, or be detrimental to, the City

Council's interests or weaken public confidence in the conduct of the City Council's business. You are particularly discouraged from using the professional skills for which you are employed by the City Council within the geographical area of the City Council.

- 15.2 Any secondary or other employment carried out by you must be done in your own time, including time when you are on annual leave. The work must not be done during the time the City Council employs you and that includes periods of sickness absence.
- 15.3 In undertaking any extra employment, unless it is on the Council's behalf, City Council facilities, such as telephones, photocopiers, word processors, e-mail, internet, vehicles or any other equipment must not be used for that purpose.
- 15.4 Employees can give unpaid service to voluntary or other organisations and the City Council welcomes this involvement in community affairs. However, it is important that unpaid service does not affect your job or the City Council's reputation. You should tell your Manager if you give any unpaid service including:-
- (a) Acting as a School Governor within schools maintained by the City Council.
 - (b) Giving service to any organisation that receives grant aid from the City Council.
 - (c) Giving service to any organisation or pressure group which may try to influence the City Council's policies.
- 15.5 You must give to the City Council any money you receive for work which you do such as lectures, broadcasts or magazine articles as part of your job. However, you can keep money for any work which is not paid for by the City Council and which is done in your own time, or when on holiday or flexi-leave.

16. **Disclosure of Information and Confidentiality**

- 16.1 You should be fair and open when dealing with others and ensure that elected Members and members of the public have access to the information they need and have a legal right to unless you have a good reason not to permit this.
- 16.2 Information held by the Council, especially in relation to individuals, may be subject to the provision of the Data Protection Act or the legislation. You should never put yourself in the position where the disclosure of such information puts you and/or the Council at the risk of breaking the law. If you are in any doubt you should ask your Manager or consult the Council's Data Protection Officer.
- 16.3 A lot of the information held by the City Council is confidential, for example, individual case files, employee records or tendering documents. You should not pass these documents to any outside person or organisation unless you have your Manager's permission.

- 16.4 You must not use any information that you get in your job for personal gain or financial benefit or pass it to anyone else. You must not give information to anyone outside the Council about tenders or individual clients either when you are working for the City Council or after you have left.
- 16.5 You must ensure that you follow the City Council's security procedures in relation to the use of computers and the proper management of computer-held information. Particular care must be taken to observe established procedures when using passwords and logging on and off. You must never share a password or similar security device which may lead to unauthorised access to Council's systems or property.
- 16.6 The City Council has the right to go into all its property and look at personal information, including e-mails and computerised data if needed. You are not permitted to take copies of any software for your own use or to use your own software, including computer games, on the City Council's equipment.

17. **Dress and Personal Appearance**

- 17.1 Council employees act as ambassadors for services and must maintain a standard of dress and appearance as appropriate or required for the workplace and to the work being undertaken. Clothes should provide sufficient cover not to be offensive and should not present a risk to health and safety. Within these general guidelines, clothes worn for cultural, religious or traditional reasons, whether on a day to day basis or to mark particular occasions will normally be acceptable.
- 17.2 Whilst at work, employees must be clean and tidy and ensure good personal hygiene. Where particular clothing is provided for health, safety and hygiene and/or uniform purposes, it must be worn. Name badges and identity passes must be worn whilst on City Council premises and must be available at all times when you are on City Council business. Employees must have their Identity Badges visibly displayed on their clothing so that customers can identify them as council employees. Where lanyards are used these should be the City Council lanyards issued with the badges.
- 17.3 Employees must not allow any other person to use their Identity Badge for access to Council Buildings or for purposes of identification of any kind. This includes other employees, contractors/agency workers or visitors. Non-employees who have not been provided with identification must be escorted at all times.

18. **Being a Member of an Organisation**

- 18.1 You should ensure that your membership or involvement with any external organisation does not lead to an actual or perceived conflict of interest with your position as an employee of the City Council. Paragraph 8 of this Code of Conduct already requires you to declare any financial, non-financial or personal interest which may conflict with the City Council's interests. It is important to avoid any perception that advice, guidance, or

decisions for which you are responsible could be influenced by your membership of a particular organisation.

18.2 You must therefore declare your membership of any organisation whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation. 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. Such organisations may or may not be charitable concerns and they may also have a local, regional, national or international aspect.

18.3 You should make sure that any such membership does not make you liable to act in a way that would conflict with the City Council's policies or objectives or damage the City Council's reputation or seriously affect your ability to carry out your job with the City Council.

19. **Whistleblowing**

19.1 The City Council has adopted a whistleblowing policy and procedure. If you believe that there has been any fraud, irregularity, corruption or the law has been broken, you should report such incidents under this policy.

19.2 The whistleblowing policy is intended to encourage and enable employees to raise concerns safely and without fear of retribution within the Council rather than overlooking a problem. If you are not aware of the contents of the policy, you should contact your Manager or the Human Resources Service for further details.

19.3 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The Council will not tolerate harassment or victimisation and will take action to protect any employee when they have raised a concern in good faith. Similarly no employee must treat another employee less favourably on the grounds that that employee has, intends, or suspected of doing anything under the Council's whistleblowing procedures.

NOTE: A copy of the City Council's Whistleblowing Policy is available on both the Council's website and the Intranet.



Ethics Committee

10th March 2015

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Executive Director, Resources

Ward(s) affected:

Not applicable

Title: Review of Lord Mayor's Gifts and Hospitality

Is this a key decision?

No

Executive Summary:

At its meeting on 29th August 2014, the Ethics Committee considered a report on a review of the procedure for dealing with gifts and hospitality for elected members. The Committee decided that it would like to review the procedure for accepting and registering Gifts and Hospitality and to view details of gifts and hospitality received in the current Municipal Year. This report sets out the current practice in relation to gifts and hospitality received by the Lord Mayor and the gifts received to date.

Recommendations:

The Ethics Committee is recommended to:

- (1) consider the current practices for recording gifts and hospitality received by the Lord Mayor; and
- (2) make any recommendations on changes to those practices that it considers appropriate.

List of Appendices included:

None

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Review of Lord Mayor's Gifts and Hospitality

1. Context (or background)

1.1 At its last meeting on 29th August 2014 the Committee considered a report on a review of the procedure for dealing with gifts and hospitality for elected members. The Committee decided that it would like to review the procedure for accepting and registering gifts and hospitality offered to the Lord Mayor and to view details of gifts and hospitality received in the current Municipal Year. This report sets out the current practices and gifts received to date.

2. Options considered and recommended proposal

2.1 At present there is no formal, approved policy on the receipt of Gifts and Hospitality by the Lord Mayor. However, an informal policy has developed over many years and is applied by the Lord Mayor's Office to Gifts and Hospitality received. Each year, the incoming Lord Mayor receives a short induction from officers on the principles to be applied when considering the receipt of Gifts and Hospitality.

2.2 Gifts

2.2.1 A distinction is made between gifts of relatively low monetary value (or of symbolic value) and more substantial gifts received by the Lord Mayor on behalf of the City Council. Where a gift is substantial and is clearly intended as a gift to the City of Coventry, the Lord Mayor receives it as such and details are entered in a register maintained for this purpose. The gift is then kept by the Council and, where appropriate, put on display.

2.2.2 During the course of their year, the Lord Mayor receives many gifts, such as mugs, craft items, chocolates and flowers. Most, if not all of these, have a monetary value under £25 although many will have a symbolic value as a reminder of an official visit or occasion. Gifts under £25 in value are not recorded as there is no requirement to do so and it is left to the Lord Mayor's discretion as to whether he or she keeps the item. Where a gift is clearly intended as a gift to the Lord Mayor personally, rather than to the City Council and it has a value of more than £25, the Lord Mayor records its receipt in the normal Gifts and Hospitality register for elected members.

2.3 Hospitality

The Lord Mayor receives many instances of hospitality during the course of their mayoral year, almost all of which are offered to them in their ceremonial role. These are therefore not recorded.

2.4 Gifts Received in Municipal Year to Date

In the current Municipal Year to date, the Lord Mayor has received only two gifts on behalf of the City Council. These are a bell and a buoy presented to her by HMS Diamond in October 2014.

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

- 4.1 If the Committee makes any recommendations as to changes in practice, it is recommended that these be introduced in the 2015-16 Municipal Year.

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, reviewing the procedures for dealing with gifts and hospitality offered to the Lord Mayor will help to demonstrate that the Council continues to monitor and review ethical standards within the Council.

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?

Clarifying the Lord Mayor s' obligations with regard to gifts and hospitality will help to reduce the risk of acceptance of inappropriate gifts or hospitality.

6.3 What is the impact on the organisation?

Keeping matters such as this under review will help to promote 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.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

Report author(s): Carol Bradford

Name and job title: Solicitor, Place and Regulatory Team, Legal and Democratic Services

Directorate: Resources

Tel and email contact: 024 7683 3976 carol.bradford@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	10.12.14	
Helen Lynch	Place and Regulatory Team Manager	Resources	17.11.14	20.11.14
Names of approvers for submission: (officers and members)				
Finance: Carolyn Prince	Finance	Resources	28.11.14	08.12.14
Legal: Christine Forde	Assistant Director Legal and Democratic Services	Resources	28.11.14	10.12.14
Director: Chris West	Executive Director Resources	Resources	10.12.14	

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10th March 2015

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Executive Director, Resources

Ward(s) affected:

None

Title: Review of Officers' Gifts and Hospitality

Is this a key decision?

No

Executive Summary:

In its work programme for 2014/15 the Committee has decided to review entries in the Registers of Officers' Gifts and Hospitality for the first 6 months of the municipal year and to consider current practices. This report sets out the current practice in relation to Gifts and Hospitality received by officers and the gifts and hospitality received from 1st May to 31st October. It also includes an extract from the Employees' Code of Conduct which sets out guidance for employees on the acceptance of gifts or hospitality.

Recommendations:

The Ethics Committee is recommended to:

- (1) consider the current practices for recording gifts and hospitality received by officers ; and
- (2) make any recommendations on changes to those practices that it considers appropriate.

List of Appendices included:

Appendix 1: Extract from Code of Conduct for Employees: Gifts and Hospitality

Appendix 2: Table of Gifts and Hospitality received by Officers; May to October 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 Officers' Gifts and Hospitality

1. Context (or background)

- 1.1 The Committee's work programme includes an item for this meeting to review the process for recording gifts and hospitality for officers. The Committee also wished to review entries on the registers for the first 6 months of this municipal year.
- 1.2 Attached at Appendix 1 to this report is an extract from the Code of Conduct for Employees. This sets out the requirements for employees when being offered or accepting gifts or hospitality. The basic rules are:

(a) Gifts

- Personal gifts should never be accepted unless they are modest and are of token value (less than £25).
- The manager's permission must be obtained
- Where small gifts, such as chocolates, are given as thanks for a service provided, these can be accepted if they are shared within the Team or raffled for charity.
- Gifts worth more than £25 should be refused. If this is not possible, the manager should dispose of them to charity and record the fact in the register.

(b) Hospitality

- Hospitality consisting of light refreshments, working lunch or other meals which are part of a visit, conference, meeting or promotional exercise is acceptable.
- Invitations to social events offered as part of normal working life, may be accepted if authorised in advance by the appropriate Assistant Director.
- Invitations to other types of hospitality which are not directly linked to the City Council's functions should not be accepted.

2. Options considered and recommended proposal

- 2.1 At present the Chief Executive's Office and each Directorate maintains its own separate register of gifts and hospitality. Each register is slightly different in terms of how much information is recorded. All are maintained by the relevant Director's office apart from Public Health which has arrangements to log gifts and hospitality received on the register maintained by the Chief Executive's Office. The Chief Executive has a separate register for gifts and hospitality that he receives.
- 2.2 The Directorates have been asked to provide details of gifts and hospitality received during the first 6 months of the current municipal year. The position for each directorate is set out in the Table at Appendix 2.
- 2.3 An internal audit of officer gifts and hospitality has recently been carried out. The audit found areas of good practice such as:
- The existence of mechanisms to support these areas and clear evidence that officers, and in particular senior officers, utilise the registers to record gifts and hospitality received.
 - The work plan for the Ethics Committee includes reviewing the arrangements for officer gifts and hospitality over the next six months.
- 2.4 The audit recommended key areas for improvement, namely:
- Updating the Employees' Code of Conduct to provide clearer guidance on this area and to reflect that some form of gifts and hospitality will occur in the modern business environment that the Council operates in.

- To undertake a communication exercise to ensure that all officers and in particular, senior officers, are aware of the Council's requirements in relation to recording such activity.
- Producing a standard format for directorate hospitality registers to ensure consistent information is recorded across the whole Council.
- To continue reviewing and developing arrangements for monitoring gifts and hospitality registers in conjunction with the Ethics Committee.

2.5 The Committee may wish to consider the recommendations from the audit when considering how it wishes to take its review forward.

3 Results of consultation undertaken

Each Directorate was asked to provide details of their registers.

4. Timetable for implementing this decision

4.1 If the Committee makes any recommendations as to changes in practice, it is recommended that these be introduced in the 2015-16 Municipal Year.

5. Comments from Executive Director, Resources

a. 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, reviewing the procedures for dealing with gifts and hospitality offered to employees will help to demonstrate that the Council continues to monitor and review ethical standards within the Council.

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?

Clarifying employees' obligations with regard to gifts and hospitality will help to reduce the risk of acceptance of inappropriate gifts or hospitality.

6.3 What is the impact on the organisation?

Keeping matters such as this under review will help to promote 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.

6.5 Implications for (or impact on) the environment
None

6.6 Implications for partner organisations?

None at this stage

Report author(s): Carol Bradford

Name and job title: Solicitor, Place and Regulatory Team, Legal and Democratic Services

Directorate: Resources

Tel and email contact: 024 7683 3976 carol.bradford@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	10/12/14	10/12/14
Helen Lynch	Place and Regulatory Team Manager	Resources	12/11/14	14/11/14
Names of approvers for submission: (officers and members)				
Carolyn Prince	Finance	Resources	28/11/14	08/12/14
Christine Forde	Assistant Director, Legal and Democratic Services	Resources	17/11/14	10/12/14
Chris West	Executive Director, Resources	Resources	10/12/14	10/12/14

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APPENDIX 1

Extract from Code of Conduct for Employees

13. Gifts and Hospitality and Sponsorship

13.1 Gifts

13.1.1 The City Council expects the conduct of all of its employees to be of the highest standard. Employees' actions must not be influenced by offers of gifts or hospitality and their actions must not give the impression that they are influenced in this way. Acceptance of any gift should be the exception. The City Council recognises that there are some items, of token value, which may be accepted.

13.1.2 You must not accept personal gifts of any kind, unless they are modest and are of token value (less than £25). Items such as coffee mugs, diaries, calendars or other promotional materials can be retained if your Manager agrees. However, these gifts must be recorded in the relevant hospitality register unless your Manager tells you otherwise. If your Manager does not allow you to accept any small gifts, you must return them politely, but firmly, telling the person who gave it why and recording it in the Hospitality Register.

13.1.3 Without causing offence, you should discourage service users or other organisations from offering gifts. However, where small gifts, such as chocolates, are given as thanks for a service provided, then these can be accepted if they are shared within the Team or raffled for charity. No gift of alcohol or tobacco should ever be accepted.

13.1.4 If gifts have a higher value than £25, then you should tactfully refuse them. If gifts of this value are delivered, they should be returned with an appropriate explanation. If gifts cannot be returned, then the Assistant Director, or his nominee, should dispose of them to charity and record this fact in the Hospitality Register.

13.1.5 Under no circumstances, should gifts of cash, or tokens or vouchers of a monetary value, be accepted.

13.2 Hospitality

13.2.1 In relation to the acceptance of hospitality, special care should be taken so as to ensure there can be no suggestion that an employee was influenced by such hospitality.

13.2.2 You should never accept a gift of hospitality from anyone who is, or may be in the foreseeable future, tendering for any contract with the Council, seeking employment with the Council, seeking any form of consent of grant, or is in dispute with the Council. You should always decline any gift or hospitality if you think the giver has an ulterior motive. You should always be sensitive to the possibility that the giver may think even small

gifts or simple hospitality may elicit a better service or preferential treatment in their dealings with the Council.

- 13.2.3 The definition of "hospitality" includes drinks, meals, entertainment, sporting events, overnight accommodation, travel and holidays.
- 13.2.4 The following standards apply to hospitality:-
- (a) If you are offered hospitality, you should tell your Manager immediately and record the offer in the Directorate Hospitality Register, whether it is accepted or not. If you refuse the hospitality, it must be recorded in the Register.
 - (b) You should never accept hospitality unless you genuinely need to give or receive information or to represent the City Council in your work.
 - (c) Your Manager must agree, beforehand, wherever possible.
 - (d) You should never accept any hospitality if it is meant to corrupt or influence, or could be seen to corrupt or influence or as being against the City Council's interests.
 - (e) The timing of hospitality is an important factor. For example, hospitality should never be accepted from a contractor who is about to put in a tender for City Council work.
- 13.2.5 You may accept incidental hospitality, such as light refreshments, working lunch or other meals which is part of a visit, conference, meeting or promotional exercise.
- 13.2.6 Invitations to social events offered as part of normal working life, such as opening celebrations, annual dinners, may be accepted if authorised in advance by the appropriate Assistant Director.
- 13.2.7 Invitations to other types of hospitality which are not directly linked to the City Council's functions, such as attendance at sporting events, theatrical or musical performances, "corporate days", paid holidays or concessionary travel rates, should not be accepted.
- 13.2.8 Where visits are required to inspect equipment, sites etc, you must ensure that the City Council meets all the costs of such visits to avoid jeopardising the integrity of any subsequent purchasing decision. Where anything other than incidental hospitality is offered by an existing contractor, or by an organisation likely to be involved in a contract, the hospitality should be refused. You should avoid socialising with organisations and should pay your own bills for meals, travel etc, (claiming any expenditure back under the Council's procedures for reimbursement as appropriate).
- 13.2.9 Similar rules apply to those instances where employees are offering hospitality on behalf of the City Council. The following guidelines must be observed on all occasions. For the purpose of these guidelines "hospitality" excludes the normal tea, coffee and other refreshments provided at meetings:-

- (a) any hospitality must be provided on a modest scale.
- (b) so far as is practicable, hospitality must be provided in the workplace.
- (c) soft drinks only must be provided in the workplace, alcoholic drinks must not be available.
- (d) if it is necessary to provide hospitality outside the workplace, this must be on a model scale appropriate to the occasion. The cost must not be excessive.
- (e) the number of employees involved on any occasion when hospitality is provided must be restricted, and in any event, must not extend beyond those directly involved with the matter in hand.
- (f) the provision of all hospitality must be personally approved by your Manager, and an Assistant Director, Deputy Director or Director.
- (g) bills for hospitality provided must be certified for payment by your Manager, and an Assistant Director, Deputy Director or Director.
- (h) each service will maintain in their hospitality register, a record of all occasions on which hospitality has been provided, the number of persons involved, and the costs incurred.

APPENDIX 2

Table of Entries in Officers' Registers of Gifts and Hospitality: 1st May to 31st October 2014

	Officer	Description	Provider	Estimated Value	Code of Conduct general consent	Consent of senior officer or manager obtained?
CHIEF EXECUTIVE'S OFFICE						
01.05.14	Chief Executive	Bottle of champagne (donated to the Lord Mayor's Charity) for speaking at a national seminar	Trowers Hamlin	£50.00	Yes	N/A
22.05.14	Marketing & Design Manager	Hospitality provided at evening meeting at the Village Hotel	Coventry Hoteliers Group	£30	N/K	N/k
09.06.14	E-Communications Coordinator	Flight accommodation and food and hospitality for speaking at the Jadu Academy, Edinburgh about work done as a Council using social media	Jadu	£251.80	N/K	N/K
18.06.14	Chief Executive	Working lunch at The Loose Box, London	Skoolbo	£50.00	Yes	N/A
20.06.14	Chief Executive	Coventry Telegraph Business Awards Dinner at Coventry Cathedral	Coventry Telegraph		Yes	N/A

08.07.14	Chief Executive	Private Dinner at the Hotel Miramar, Bournemouth as part of the LGA Conference	EC Harris	£50.00	Yes	N/A
09.07.14	Chief Executive	Chief Executives Dinner at the Print Room Restaurant as part of the LGA Summit	LGA	£50.00	Yes	N/A
21.07.14	Chief Executive	Board of Governors Annual Dinner	Coventry University	£50.00	Yes	N/A
29.07.14	Chief Executive	Coventry City Council and Coventry University senior officers working dinner at Blue Bistro, Coventry	Coventry University (reciprocal arrangement)	£40.00	Yes	N/A
05.09.14	Chief Executive	3 tickets to Football Match CCFC v Gillingham at the Ricoh Arena (special rate of £10 per ticket paid for personally)	ACL	£30.00	Yes	N/A
09.09.14	Chief Executive	Inauguration Reception and Dinner for the 133rd Global President of the Royal Institution of Chartered Surveyors (RICS) at The Banqueting Suite, Birmingham City Council	RICS	£50.00	Yes	N/A
26.09.14	Chief Executive	NSPCC Charity Ball (plus guest) at the Ricoh Arena	Jaguar Land Rover and the NSPCC Business Board	£100.00	Yes	N/A

01.10.14	Chief Executive	Barnardos Senior Leadership Dinner (attended as a guest speaker) at the Britannia Hotel, Coventry	Barnardos	£25.00	Yes	N/A
15.10.14	Chief Executive	Dinner hosted by BDO at Blakes Restaurant, Liverpool as part of the SOLACE Summit	BDO	£50.00	Yes	N/A
16.10.14	Chief Executive	Annual Charity Dinner at The Rum Warehouse, Titanic Hotel, Liverpool as part of the SOLACE Summit	Sponsored by PwC and Enterprise Rent-a-Car	£50.00	Yes	N/A
PEOPLE DIRECTORATE						
13.10.14	Housing Advice Officer	Thank you card, book and small box of chocolates left in interview room	Housing client	£12	Yes	Managers notified by email
PLACE DIRECTORATE						
14.5.14	Assistant Director	BCO Conference Dinner : Opus Restaurant Birmingham	DTZ	£50	No	Yes
15.5.14	Assistant Director	BCO Conference Dinner: The ICC	Gleeds	£50	No	Yes
19.5.14	Sports and Arts Manager	Tickets x 2 : Prince at NEC	Promoter (via Ricoh Arena)	£65 per ticket	No	Yes
19.5.14	Sports and Arts Officer	Tickets x 2 : Prince at NEC	Promoter (via Ricoh Arena)	£65 per ticket	No	Yes

20.6.14	Director	Coventry Telegraph Business Awards , Coventry Cathedral: judging panel	Coventry Telegraph	£40	No	N/A
29.7.14	Director	CCC/Coventry University senior officers working dinner at Blue Bistro	Coventry University (reciprocal arrangement)	£40	No	N/A
PUBLIC HEALTH						
No entries						
RESOURCES DIRECTORATE						
Not given	HR Business Partner	Working lunch	TMP	£10	Yes	No, but manager also present
12.8.14	Customer Services Advisor	Flowers	Customer	£10	Yes	Yes
Not given	Payroll Support and Project Specialist	A4 notepad/zipped wallet/box containing 6 each of pens/sticky notes/rubber cars/3 key rings/2 cups.	Tusker Direct	£12	Yes	No, shared out among team, not a personal gift
8.10.14	Team Leader	Ticket to Family Law Awards	St Phillips Chambers	Not known	Not known	Yes



10th March 2015

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Executive Director of Resources

Ward(s) affected:

None

Title:

Review of Members' Declarations of Gifts and Hospitality

Is this a key decision?

No

Executive Summary:

This report sets out details of declarations of gifts and hospitality made by members since the Committee last reviewed these at its meeting on 29th August 2014. The Committee is asked to consider the declarations

Recommendations:

The Ethics Committee is recommended to:

1. consider the gifts and hospitality register entries received from 29th August 2014 to 13th February 2015.

List of Appendices included:

Appendix 1: Declarations of gifts and hospitality received between 29th August 2014 and 13th February 2015

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 Members' Declarations of Gifts and Hospitality

1. Context (or background)

- 1.1 The Ethics Committee has, as part of its work programme, decided to review on a regular basis the declarations of gifts and hospitality made by members. Appendix 1 contains copies of all declarations received from members from the date of its last meeting (29th August 2014) to 13th February 2015.

2. Options considered and recommended proposal

- 2.1 The declarations received are attached as Appendix 1. In total eleven forms have been received from five individual elected members. There have been no requests by members of the public to view the register during this time.
- 2.2 The Committee is recommended to consider the declarations made since its last meeting.

3. Results of consultation undertaken

- 3.1 None.

4. Timetable for implementing this decision

Any recommendations of the Committee will be implemented within an appropriate time frame.

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?

The routine declaration of gifts and hospitality received should assist in protecting Elected Members from unfounded allegations of bias and facilitate good and clear transparent decision making.

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): Carol Bradford

Name and job title: Solicitor, Legal and Democratic Services

Directorate: Resources

Tel and email contact: 024 7683 3976 carol.bradford@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:				
Suzanne Bennett	Governance Services Officer	Resources	27.02.15	
Helen Lynch	Place and Regulatory Manager, Legal Services	Resources	16.02.15	
Adrian West	Democratic and Member Services Manager	Resources	16.02.15	
Names of approvers for submission: (officers and members)				
Finance: Carolyn Prince	Finance	Resources	20.02.15	27.02.15
Legal: Christine Forde	Assistant Director, Legal and Democratic Services	Resources	16.02.15	17.02.15
Director: Christine Forde on behalf of Chris West	Executive Director, Resources	Resources	16.02.15	17.02.15

Members: Councillor Hetherton	Chair, Ethics Committee	Elected Member		
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To: Legal Services, Floor 1, Christchurch House, Greyfriars Lane, Coventry, CV1 2QL

Declaration of Receipt of Gifts or Hospitality

Name	LINDA BIGHAM
Post	COUNCILLOR
Department (if applicable)	n/a
What was the gift or Hospitality?	THEATRE SEATS + WINE
What is your best estimate of its market value or cost?	£37.00
Who provided it?	BELGRADE THEATRE
When and where did you receive it?	16TH SEPTEMBER 2014
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)	n/a
Were there any special circumstances justifying acceptance of this gift or hospitality?	VIP TICKETS OFFERED TO ALL COUNCILLORS
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	CITY COUNCIL APPOINTED TRUSTEE
Signed 	Date 22 SEPTEMBER 2014


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

Declaration of Receipt of Gifts or Hospitality

Name	Councillor Linda Bigham
Post	n/a
Department (if applicable)	n/a
What was the gift or Hospitality?	Tickets for performance and soft drinks
What is your best estimate of its market value or cost?	£39.00
Who provided it?	Belgrade Theatre
When and where did you receive it?	Belgrade Theatre 21/10/14
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)	n/a
Were there any special circumstances justifying acceptance of this gift or hospitality?	No
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	Board Member. (The invitation was to all Councillors)
Signed L. Bigham	Date 03/11/14


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

Declaration of Receipt of Gifts or Hospitality

Name	Cllr John Blundell
Post	Leader of the Conservative Group
Department (if applicable)	
What was the gift or Hospitality?	Ticket for Wasp Rugby Match inc hospitality
What is your best estimate of its market value or cost?	£30.00 approx
Who provided it?	The Wasps Rugby Team (CEO – Nick Eastwood)
When and where did you receive it?	21 st December 2014 – Ricoh Arena, Coventry
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	N/A
Did you get the consent of any officer before accepting it? If so, who? (if applicable)	N/A
Were there any special circumstances justifying acceptance of this gift or hospitality?	First ever game by the Wasps at the Ricoh Arena. Went to give support to the club in its new venture.
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No
Signed 	Date 7/1/15

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


Declaration of Receipt of Gifts or Hospitality

Name	Cllr David Kershaw
Post	Cabinet Member for Education
Department (if applicable)	
What was the gift or Hospitality?	2 x tickets for Wasp Rugby Match including hospitality 21 st December 2014
What is your best estimate of its market value or cost?	£60.00 approx
Who provided it?	The Wasps Rugby Team (CEO – Nick Eastwood)
When and where did you receive it?	21 st December 2014 Ricoh Arena, Coventry
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	N/A
Did you get the consent of any officer before accepting it? If so, who? (if applicable)	N/A
Were there any special circumstances justifying acceptance of this gift or hospitality?	First ever game by the Wasps at the Ricoh Arena. Went to give support to the club in its new venture.
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No
Signed 	Date 15 th January 2015.

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


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17 DEC 2014

Declaration of Receipt of Gifts or Hospitality

Name	Ran P. Lakha
Post	Councillor
Department (if applicable)	
What was the gift or Hospitality?	VIP Ticket ^{accepted.} for Belgrade THEATRE on 28th Nov. 2014.
What is your best estimate of its market value or cost?	£40 ? ?
Who provided it?	BELGRADE THEATRE
When and where did you receive it?	BELGRADE THEATRE
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)	N/A.
Were there any special circumstances justifying acceptance of this gift or hospitality?	None
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	<u>No</u> DIRECT CONTACT FOR ANY PERSONAL REASONS.
Signed	
Date	15/12/14.

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?	NSPCC Annual Ball and Fundraising Event
What is your best estimate of its market value or cost?	Approximately £100.
Who provided it?	Mr Les Ratcliffe on behalf of Jaguar Land Rover Ltd and Coventry and Warwickshire NSPCC Business Board
When and where did you receive it?	01 April 2014 at Scarman House, University of Warwick
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 partnership working with JLR and NSPCC and networking with regional and local business leaders.
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No
Signed 	Date 30/09/2014

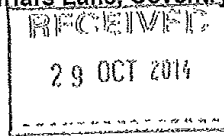
To: Legal Services, Floor 1, Christchurch House, Greyfriars Lane, Coventry, CV1 2QL


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?	Gifted a 70cl bottle of Famous Grouse whisky
What is your best estimate of its market value or cost?	£15
Who provided it?	Matthew Bates, Journalist at Coventry Observer
When and where did you receive it?	27 August 2014, Council House
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 accepted the gift and donate it to The Lord Mayors Office for the Lord Mayors Charity for fund raising purposes. ↳ Received 29/9/14 [REDACTED]
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?	Matthew gave the gift as a thank you following a successful partnership working between journalist at the Coventry Observer and Coventry City Council. Matthew was leaving the employment of The Observer.
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No
Signed [REDACTED]	Date 26/09/2014

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?	Invitation to all Elected Members to attend production of Propaganda Swing
What is your best estimate of its market value or cost?	2 x £16 per ticket
Who provided it?	David Jane, Belgrade Theatre Coventry
When and where did you receive it?	Tuesday 16 September 2014 at Belgrade Theatre Coventry
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 partnership working between Coventry City Council and networking with other organisations in the region
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No
Signed 	Date 28/10/14

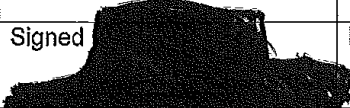
To: Legal Services, Floor 1, Christchurch House, Greyfriars Lane, Coventry, CV1 2QL

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?	Match tickets for football match Coventry City FC v Gillingham FC
What is your best estimate of its market value or cost?	£5 for tea Tickets Self Paid
Who provided it?	ACL Holdings, Coventry
When and where did you receive it?	Friday 5 September 2014 at RICOH Arena Coventry
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 partnership working between Ricoh Arena, ACL Holdings and Coventry City Council.
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No
Signed 	Date 28/10/14


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?	WW1 Women's Football Event including refreshments
What is your best estimate of its market value or cost?	£10
Who provided it?	Metal Dog Media Coventry
When and where did you receive it?	Sunday 25 August 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?	Attending as their guest and opening the event. Promoting partnership working between Coventry City Council
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No
Signed 	Date 28/10/14

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?	RICS Presidents Inauguration Dinner
What is your best estimate of its market value or cost?	Approximately £50.
Who provided it?	Royal Institution of Chartered Surveyors (RICS)
When and where did you receive it?	Tuesday 9 September 2014 at Birmingham Council House
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 partnership working between RICS and other regional business with Coventry City Council. Also present was Martin Reeves, CEO, Coventry City Council.
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No
Signed 	Date 28/10/14



Public report Ethics Committee

Ethics Committee

10th March 2015

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Executive Director, Resources

Ward(s) affected:

Not applicable

Title: Review of Operation of Ethical Standards in Parish Councils

Is this a key decision?

No

Executive Summary:

At its meeting on 29th August the Committee asked for a report back to this meeting on how parish councils operate and the operation of the ethical standards regime in parish councils within the city. In particular, the Committee asked for information about whether the parish councils within Coventry have any information on their websites about how to deal with complaints, their register of interests and other information such as parish precepts and members allowances.

Recommendations:

The Ethics Committee is recommended to consider the report and decide whether any further work on this topic should be undertaken.

List of Appendices included:

None

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Review of Operation of Ethical Standards in Parish Councils

1. Context (or background)

1.1 At its last meeting on 29th August 2014 the Committee asked for a report back to this meeting on the operation of the ethical standards regime in parish councils within the city. In particular, the Committee asked for information about whether the parish councils within Coventry have any information on their websites about how to complain about parish councillors, their register of interests, and general information relating to parish precepts and members allowances.

2. Options considered and recommended proposal

2.1 *Status and Functions of Parish Councils*

2.1.1 Parish councils are the most local tier of elected local government. The size of parishes, their electorates and spending power vary from one council to the next. Parish councils can adopt one of a number of different 'styles' such as 'village', 'town', 'neighbourhood' or 'community' council but they remain as parish councils and the style adopted has no effect on the status or legal powers available to the council. Much of the workings of parish councils is still governed by the Local Government Act 1972.

2.1.2 There are around 9,500 parish councils in England but these only cover about 30% of the population and are mainly found in rural areas Parish Councils may set allowances for their members but in practice it is understood that few do.

2.1.3 Parish councils may raise a 'precept' on the council tax bills produced by their local billing authority (in our case, the City Council). This is essentially a demand for a sum to be collected through the council tax system. Council tax-payers cannot refuse to pay it, and the billing authority cannot refuse to levy it. It is the only source of tax revenue available to parish councils.

2.1.4 In 2013-14, data on parish precepts showed that a total of £367 million was collected via the parish precept. This was 1.6% of total collected council tax. 8,805 parish councils raised a precept.

2.2 *Parish Councils in Coventry*

There are two parished areas within Coventry City: Allesley and Keresley. Each has a parish council which meet around 8 times a year. The table below sets out some information about the financial position and operation of the two parish councils.

	Allesley Parish Council	Keresley Parish Council
Number of Seats on Council	8	7
Number of councillors (as at November 2014)	8	6
Members' allowance paid?	No	No

Funding for 2014-15:	Precept Grant payment TOTAL	£3,075 <u>£ 730</u> <u>£ 3,805</u>	Precept Grant TOTAL	£1,723 <u>£ 409</u> <u>£ 2,132</u>
Average cost to Band D property	£10.31 per annum		£8.25 per annum	

2.3 Operation of Ethical Standards in Parish Councils

2.3.1 Officers have contacted the Parish Clerks of both parish councils to seek information about how they perceive the ethical standards regime is operating within their council. The current position with regard to the operation of the ethical standards regime is as follows:

2.3.2 Adoption of Code of Conduct

Both Parish Councils have adopted a Code of Conduct as required by the Localism Act 2011. Allesley Parish Council's code was adopted on 22nd October 2012 and is based on the National Association of Local Council's Model Code of Conduct. It is attached at Appendix 1 to this report. Keresley Parish Council's code was adopted on 25th September 2012 and is based on the City Council's code. It is attached at Appendix 2 to this report.

2.3.3 Completion of Register of Disclosable Pecuniary Interests

Allesley Parish Council has forwarded completed declarations of disclosable pecuniary interests for 5 of the 8 parish councillors. These appear on the City Council's Register of Pecuniary Interests. Other councillors, who have not completed a form, appear to be relying upon the fact that they are technically only required to submit a form when they are appointed or re-appointed to the parish council.

Five Keresley parish councillors completed forms. All but one of these have been forwarded to the City Council's Monitoring Officer and these appear on the public register. All of the five councillors' forms appear on the Parish Council's website. The Clerk has informed the Monitoring Officer of a sixth councillor and she is awaiting receipt of a completed form for that councillor.

2.3.4 Declaration of Interests at Meetings

Allesley has standing items on each agenda for the declaration of pecuniary and other interests and for requests for dispensations. The Clerk has confirmed that councillors understand the need to declare interests at meetings. It is a legal requirement that if a councillor declares a Disclosable Pecuniary Interest at a meeting and this is not on his or her register of interests, they must notify the Monitoring Officer within 28 days of the meeting.

The Clerk to Keresley Parish Council has indicated that there is always an item on the agenda to allow members to declare any interests in items on the agenda.

2.3.5 Advice on how to Complain and Complaints about Parish Councillors

Neither parish council has any information on their websites about how members of the public can complain about councillors. Both do, however, have information about how to get in touch with the parish council or clerk.

The Clerk to Allesley Parish Council has confirmed that she will add a link to the City Council's webpage on how to complain about a councillor on the Parish Council's website, as has the Clerk to Keresley Parish Council. The Monitoring Officer has forwarded the link to both parish clerks.

Since July 2012 there have been no complaints made to the Monitoring Officer against parish councillors.

3. Results of consultation undertaken

The advice and views of the Clerks to Allesley and Keresley Parish Council have been sought and their comments, where received, are incorporated into this report.

4. Timetable for implementing this decision

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.

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?

This review forms part of the process of managing risk within the parish councils and ensuring high standards of ethical behaviour.

6.3 What is the impact on the organisation?

Any proposals arising from this report will help to promote 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.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author(s): Carol Bradford

Name and job title: Solicitor Place and Regulatory Team, Legal and Democratic Services

Directorate: Resources

Tel and email contact: 02476 833976 carol.bradford@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	10.12.14	
Helen Lynch	Place and Regulatory Team Manager	Resources	12.11.14	16.11.14
Names of approvers for submission: (officers and members)				
Finance: Carolyn Prince	Finance	Resources	28.11.14	08.12.14
Christine Forde	Assistant Director Legal and Democratic Services	Resources	26.11.14	10.12.14
Christine Forde on behalf of Chris West	Executive Director Resources	Resources	10.12.14	

This report is published on the council's website:

www.coventry.gov.uk/councilmeetings

ALLESLEY PARISH COUNCIL
MEMBERS' CODE OF CONDUCT Adopted 22nd October 2012

Introduction

Pursuant to Section 27 of the Localism Act 2011, Allesley Parish Council (the Council) has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.

8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests at meetings

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

15. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Appendix A

Interests described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

**'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix B

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

Member Code of Conduct Keresley Parish Council

In the following, 'the Council' means Keresley Parish Council and 'Monitoring Officer' means the Clerk of the Council.

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

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.
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.
3. As a Member of the 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 Parish 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 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.

4. Gifts and Hospitality

- 4.1. I will, within 28 days of receipt, notify the Parish Clerk 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 Parish Clerk will place my notification on a public register of gifts and hospitality, and pass details on to Coventry City Council Monitoring Officer.
- 4.3 I am aware that this duty to notify the Clerk does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

5. Register of Interests

- 5.1 I will register and, where appropriate, disclose those disclosable pecuniary interests that I am obliged to declare under the Localism Act and associated regulations; and I will do this by completing, signing and submitting the prescribed form to the Clerk. 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.

6. Disclosable Pecuniary Interests Entered on the Register

- 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.

7. Disclosable Pecuniary Interests NOT Entered on the Register

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.

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 Clerk of the interest within 28 days of the date of the disclosure.

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 Clerk of the interest within 28 days of becoming aware of the interest.

8. Other Relevant Interests

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, to a greater extent than it would affect the majority of the Parish Precept payers, ratepayers or inhabitants of the Parish; 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

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.

Signed:.....

Full name:

Date:

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Public report Ethics Committee

10th March 2015

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Executive Director, Resources

Ward(s) affected:

None

Title:

Committee on Standards in Public Life: Annual Report for 2013-14

Is this a key decision?

No

Executive Summary:

This report is to outline the matters raised in the Annual Report for 2013-2014 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) note the content of the report and consider any points upon which it may wish to take action; and
- (2) request 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 relevance to the Council on a local level.

List of Appendices included:

Extracts from the Annual Report of the Committee on Standards in Public Life 2013-2014

Other useful background papers:

Ethics in Practice: Promoting Ethical Conduct in Public Life (July 2014)-available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336976/2902536_CSPL_EthicsInPractice_acc.pdf

Ethical Standards for Providers of Public Services (June 2014)-available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336942/CSPL_EthicalStandards_web.pdf

Strengthening Transparency around Lobbying (November 2013)-available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336925/2901376_LobbyingStandards_WEB.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: Committee on Standards in Public Life: Annual Report 2013-14

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...'. Its terms of reference were clarified in 2013 to make it clear that it encompassed all involved in the delivery of public services, not solely those appointed or elected to public office.

1.2 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 2013-2014 (to which this report relates):

- A review of transparency around lobbying;
- Ethical standards for providers of public services
- Ethics in practice: promoting ethical conduct in public life

The Committee has also published its Annual Plan for 2013-14 and 2014-15. In July 2015 the Committee will combine its Annual Plan and Annual Report into one document. It carried out its fifth Public Perceptions Survey (published in September 2013) to establish public views on acceptable behaviour of public office holders.

1.3 This report gives a very brief overview of the main areas of work of the Committee as well as setting out those matters raised in the Annual Report 2013-2014 ('the Annual Report') which relate specifically to local government standards.

2 Options considered and recommended proposal

2.1 *Strengthening Transparency around Lobbying*

The Committee published its lobbying report in November 2013. While recognising that lobbying is a legitimate and potentially beneficial activity, it must be carried out transparently and ethically. The Committee concluded that a package of measures was urgently required in parliament to deliver a greater culture of openness and transparency around lobbying; provide greater clarity for public office holders on the standards expected of them; and to reassure the public that a more ethical approach to lobbying is actively being applied by all those individuals and organisations involved in lobbying. The Committee made several recommendations, some of which have been accepted by the Government.

More information about this report can be found in paragraphs 6 to 16 of the Annual Report.

2.2 *Public Perceptions Survey*

The Committee issued its fifth survey of public attitudes towards conduct in public life in September 2013. The survey showed a decline in levels of confidence that MPs meet the seven principles of public life. A large majority of respondents, however, felt they would be treated fairly by a range of front line public services. This was particularly the case with more

junior front line staff than with senior managers. The survey suggested that the public thought that probity in the private and public sector could be promoted by the creation of a culture where people were not afraid to report wrongdoing, the use of codes of conduct in which office holders and staff are trained and the setting of a good example by senior managers or officer holders.

More information about this survey can be found in paragraphs 17 to 28 of the Annual Report.

2.3 Ethical Standards for Providers of Public Services

In June 2014, the Committee published its report into the expectation and assurance of ethical standards in the public service market, including where services are delivered by those outside the public sector.

The report concludes that:

- the public want common ethical standards across all provider types regardless of sector, supported by a code of conduct;
- “how” the service is delivered is as important to the public as “what” is delivered;
- public and stakeholder views of what should constitute ethical standards are broadly in line with the Seven Principles of Public Life;
- commissioners expect providers to conform to ethical standards but rarely explicitly articulate this;
- commissioners want guidance on how to embed ethical standards in the commissioning and procurement process.

It was evident from the research that there are currently no consistent structures or arrangements in place to promote actively an ethical culture and behaviours in the public service market. The Committee therefore recommended that ethical standards need to be proportionately addressed within existing contractual and monitoring arrangements, as part of the process for securing the regularity and propriety of public services.

More information about this report can be found in paragraphs 29 to 34 of the Annual Report.

2.4 Ethics in Practice: Promoting Ethical Conduct in Public Life

This report which was published in July 2014 looked at the role of induction processes in embedding ethical standards in public life. The Committee concluded that ethical standards need to be included in the induction arrangements for all in public life. While this concept was well understood in many areas of public life, the Committee was particularly concerned at the low level of engagement with ethical standards by those in Parliament.

More information about this report can be found in paragraphs 35 to 37 of the Annual Report.

2.5 Local Government Standards

The Committee has maintained a watching brief of the standards regime in local government. It is concerned that local government is now largely self-regulated with no systematic approach to conduct issues and limited sanctions. There remains a significant risk under these arrangements that inappropriate conduct by Local Authority members will not be dealt with effectively, eroding public confidence and trust in local government. The Committee has called upon the Local Government Association to continue to use its peer challenge process to offer sector led improvement in this area.

As part of the research for the report, the Committee conducted a survey of local councils' approach to induction and training. A very high proportion of councils cover their code of conduct and the Seven Principles of Public Life in induction for newly elected councillors and a high proportion of all councillors were familiar with the Principles.

Because of the Committee's continuing concerns about the changes to the standards regime for local authorities, it will continue to monitor provision of induction programmes and the profile of standards, conduct and ethical behaviour within those programmes.

The Committee has also recommended that public sector procurement processes should take account of ethical issues as part of delivering value for money in the broadest sense as local government spends over a quarter of its annual expenditure procuring goods and services from third party providers.

More information about this report can be found in paragraphs 43 to 49 of the Annual Report.

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 continue to monitor how the Code of Conduct is operating at local level.

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.

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

Report author(s): Carol Bradford

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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	10/12/14	
Helen Lynch	Place and Regulatory Team Manager	Resources	12/11/14	14/11/14
Names of approvers for submission: (officers and members)				
Carolyn Prince	Finance	Resources	28/11/14	08/12/14
Christine Forde	Assistant Director, Legal and Democratic Services	Resources	17/11/14	10/12/14
Christine Forde on behalf of Chris West	Executive Director, Resources	Resources	10/12/14	10/12/14

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

Extracts from the Committee on Standards in Public Life: Annual Report 2013-14

Strengthening Transparency around Lobbying

6. The Committee published its Lobbying report in November 2013. We applied the Nolan principles to lobbying and considered how best the lobbied and lobbyists could live out those principles. In doing so we recognised that lobbying is a legitimate and potentially beneficial activity and necessary for effective policy formulation, and that free and open access to government is essential. But, lobbying must be carried out transparently and ethically.

7. We concluded that a package of measures was urgently required to deliver a greater culture of openness and transparency around lobbying; provide greater clarity for public office holders on the standards expected of them; and to reassure the public that a more ethical approach to lobbying is actively being applied by all those individuals and organisations involved in lobbying.

8. Recommendations included:

- more timely and detailed disclosure about all significant meetings and hospitality involving external attempts to influence a public policy decision;
- disclosure arrangements widened to cover special advisers and senior civil servants as well as Ministers, Permanent Secretaries and Departmental Boards;
- public office holders who are outside the scope of the Freedom of Information Act (including Members of Parliament, Peers and Councillors) should be encouraged to disclose the same information and consideration should be given to including this in relevant Codes of Conduct;
- extending the lobbying rules to former Members of the House for two years in respect of approaches to Ministers, other Members or public officials; and require former Members to register for two years any occupation or employment which involves them or their employer in contact with Ministers, other Members or public officials;
- consideration to be given to Chairs of Select Committee having additional restrictions in relation to conflicts of interests and explicit provision that Members should not accept any but the most insignificant or incidental gift, benefit or hospitality or payments from professional lobbyists.

9. We welcome the steps taken by the House of Lords to address the recommendations in our report. The House of Lords Privileges and Conduct Committee proposed amendments to the Code of Conduct and the Guide to the Code in March 2014 and May 2014 which were subsequently approved by the House of Lords. These amendments included incorporating the revised descriptors of the Seven Principles of Public Life into the House of Lords Code of Conduct, introducing a statement of principle on how to deal with lobbyists, lowering the threshold for registering gifts, benefits and hospitality to Members from third parties from £500 to £140 and introducing a new Code of Conduct for Members' Staff with requirements to register interests in parliamentary lobbying and abstain from lobbying or using access to Parliament to further outside interests in return for a payment or other reward.

10. The House of Commons Committee on Standards consulted in January 2014 on interests of committee chairs, in response in part to one of our recommendations that invited consideration of whether chairmanship of a Select Committee brings with a particular influence on matters of public policy that justifies the imposition of additional restrictions in relation to conflicts of interest. Both the Speaker of the House of Commons and the Parliamentary Commissioner of Standards have raised similar questions. Despite the consultation concluding in March, no report from the Committee has been forthcoming. This is disappointing particularly given that the House of Commons has not yet found time to debate proposals put forward by the previous Parliamentary Commissioner for Standards and the Committee on Standards for changes to the current rules, which this Committee supported and which addressed some of the recommendations of the Group of States against Corruption (GRECO), in relation to lobbying.

11. Many of the recommendations in our report were for Government and related to transparency of information about lobbying activities and arrangements for the movement of office holders between the public and private sectors which raises the risk of potential conflicts of interest. During our review the Government introduced the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill which proposed a register of consultant lobbyists. We considered that the narrow definition of “consultant lobbyists” would significantly limit the Bill’s potential to enhance transparency around lobbying. We note that the Members of Parliament of all parties, like the respondents to our review, were severely critical of the Bill’s detail. The Political and Constitutional Reform Committee pre-legislative scrutiny report of the Government’s proposals for a statutory register of lobbyists considered that regardless of any such register, changes could be made to improve transparency about who is lobbying whom, through enhanced disclosure of Ministerial meeting.

12. In the course of the parliamentary debate, in response to such criticism, Lord Wallace of Tankerness made a government commitment to make further improvements to the accessibility of government transparency information. This included ensuring:

“greater co-ordination of the publication of data sets so that all returns within a quarter can be found on one page.....we ought to get better at the speediness with which we make this information available.....”

We will also ensure greater consistency in the content of departmental reporting, particularly on including the subject of meetings. Finally, we will ensure that the gov.uk transparency pages contain a link to the statutory register of lobbyists so that the data can be easily cross-referenced. The practical implications of those improvements are that: rather than having to visit a number of different sites or pages, all information will be accessed via one easily located page of gov.uk; the consistency of those data will be improved so that the transparency reports can be more easily located via search functions; and the subject of the meetings will be set out more helpfully.”

13. This commitment addresses some of the criticisms by this Committee in our report around accessibility of transparency information but does not go as far as our recommendation 5 which we considered would provide sufficient transparency and accountability to enable effective public scrutiny of lobbying. We also note that the Government is committed to publishing transparency data quarterly, or at any time in the following quarter. Notwithstanding this all of the data published in 2013 was published late. The Government therefore has some way to go to meet its commitment to Parliament.

14. The Government has also recently revised the Business Appointment Rules which apply to Former Ministers and Crown servants namely civil servants (including special advisers) and members of the Diplomatic Service, Intelligence Agencies and Armed Forces before they accept any new appointment or employment after leaving their role. We welcome the greater clarity in the rules around the definition of lobbying and the practical application of a lobbying ban but note that the rules have reverted to the pre-2010 position whereby only applications from the most senior special advisers are referred to the Advisory Committee on Business Appointments (“ACOBA”). Whilst this Committee has argued for a risk based approach to application of the rules, we do not think seniority is necessarily the only risk factor and the nature of the role of special advisor as a conduit of access to the Minister, in our view necessitates the referral of all applications to ACOBA.

15. The Committee also notes that the revised rules will require Departments to publish information in broad terms about the advice they give to applicants in the senior civil servants whose applications are not dealt with by ACOBA. This Committee called for the publication of consistent summary information by Departments on all cases they consider. It is the Cabinet Office’s responsibility to provide assurance of Department’s compliance with the Rules and we will maintain an interest in Departmental performance and transparency in this respect.

16. We are disappointed that given the increased use of interchange through secondments, loans and career breaks to move in and out of the public sector organisations, the Government has not accepted our recommendation for Departments and their Agencies, for transparency and public confidence reasons, to publish on an annual basis the number of secondments and interchanges in and out of their organisation.

Public Perceptions Survey

17. In September 2013 the Committee published the fifth and latest survey of public attitudes towards conduct in public life, a series which started in 2004. It is a unique long term, independent study and source of information about what the public think about standards in public life in the UK. The research focussed on three main issues:

- To establish what the public sees as acceptable and unacceptable behaviour on the part of holders of public office;
- To assess how far the public believes that the behaviour of holders of public office is, for the most part, acceptable or unacceptable;
- To assess how far the public believes that holders of public office are effectively held responsible and accountable for their conduct.

18. Over the lifetime of the survey, there has been a continuous and substantial decline in 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, showing a clear trend across this data. But this trend masks a deeper pattern that shows that in fact, prior to 2010 confidence was rising, and that it suffered a major decline in 2010 after the MPs’ expenses scandal, from which there is only marginal recovery in 2012.

19. In relation to Westminster MPs, the public share broadly a set of expectations that are in line with the seven principles of public life. However they have consistently low levels of confidence that MPs actually meet these standards. In the latest survey, pessimism was less marked than in 2010, but levels of confidence have not returned to their 2008 levels. Although absolute levels of confidence are low in particular types of national public office holders or professions such as Ministers, MPs and tabloid journalists, this should be contrasted with higher and rising confidence in institutions and in processes and in those administering the process – so for example, as in most countries that have low and falling levels of confidence in politicians, there is, paradoxically, a higher confidence in national institutions such as Parliament and much higher confidence in the legal system.

20. In addition, responses to new questions in the 2012 survey indicate people's widespread belief that they will receive fair treatment from a range of front line public services. A large majority of respondents thought they would be treated fairly by doctors, police officers, judges, and local planning bodies. Responses suggested that members of 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 making mistakes, and being held accountable for mistakes - than in that of more senior managers. They also expressed more confidence in the probity of public sector employees than in those in the semi-public or private sectors.

21. Our most recent survey explored, amongst other things, which measures for ensuring good standards of conduct in public life elicit the most public support. The questions were informed by a common distinction drawn between 'compliance-based' and 'integrity-based' behaviour: that is, between good behaviour resulting from a well-designed and systematically enforced external set of rules, and good behaviour that is internally driven and the result of strong ethical character. Respondents were asked to choose up to three policies they thought important in ensuring probity in large public and private organisations.

22. Findings suggest that members of the public favour adopting elements from **both** the compliance and integrity models in ensuring public probity. They do not endorse internal self-regulation or a culture of financial incentives for those doing a job (26% for large public sector organisations and 22% for private sector). They do favour senior managers setting a good example, (38% for large public sector organisations and 51% for private sector) and training people in a code of conduct (63% for large public sector organisations and 60% for private sector), but they also want protection for 'whistleblowing' and external regulators for organisations (whether public or private sector). Encouraging a culture where people are not afraid to report wrongdoing (66% for large public sector organisations and 53% for private sector) was seen as particularly important for promoting probity.

23. The responses of different groups of respondents - as distinguished by trust in public office holders, perceptions of standards, party-political preferences, social grade, ethnicity, age and gender - were compared to see if there were any clear differences found in how various segments of the public think that probity should be promoted. In fact, none of these comparisons yielded significant differences.

24. There is therefore very wide agreement in all segments of the British general public about the ways in which probity in both the public and the private sector can be promoted. In that shared view, the ways seen as most important are the promotion of a culture in which people are not

afraid to report wrongdoing, the use of codes of proper conduct in which office holders and staff are trained, and the setting of a good example by senior managers or office holders.

25. The evidence from this long term study suggests that public attitudes are broadly stable, that they respond to events and their reporting, and that they can become more negative or more positive. This suggests that the public's perceptions of standards in public life can be repaired as well as damaged. The data also gave us a picture of groups who are most likely to feel most sceptical. This was particularly the case for those from lower social grades, from white-British or white-Irish background, middle aged or older and who have little engagement with the political system. The growth in the size of this group presents a challenge to all those involved in public life.

26. The Committee recognises it is important to place these findings in a wider context and so commissioned some further research on assessing the results from our British survey compared with other European countries, to see if results are potentially motivated by domestic factors or reflect citizen's attitudes across western democracies. This research was published in March 2014 and it shows that the UK public's decline in perceptions of standards in public life is part of a broader trend across Western democracies. The research also finds that British citizens' assessments of standards in public life are not unusual and they are rarely the most cynical. In fact British citizens' perceptions and experiences of corruption are lower than those in most other European countries.

27. Both sets of research however illustrate as a reminder to public authorities and office holders that public perceptions of standards in public life have political consequences. Events and the response to them they play a part in informing citizens' views of standards, probity and trust.

28. Whilst this research was the final biennial survey of its type, the Committee continues to believe it is important to test public perceptions of standards issues and will continue to undertake such research, as appropriate, in its ongoing work.

Ethical Standards for providers of public services

29. The Committee's terms of reference were clarified last year so that its remit to examine standards of conduct of all holders of public office encompassed all those involved in the delivery of public services. As public services are increasingly being delivered by those outside the public sector, the Committee decided to test the expectation and assurance of ethical standards in the public service market. The Committee commissioned new independent research with members of the public, commissioners and providers of public services. We also spoke to individuals and organisations with current experience of commissioning and providing public services to understand their expectations of the ethical principles and standards expected of public services. The Committee's report *Ethical Standards for Providers of Public Services* and accompanying research was published in June 2014.

30. On the basis of our research, we can be confident that:

- the public want common ethical standards across all provider types regardless of sector, supported by a code of conduct;
- "how" the service is delivered is as important to the public as "what" is delivered;

- public and stakeholder views of what should constitute ethical standards are broadly in line with the Seven Principles of Public Life;
- commissioners expect providers to conform to ethical standards but rarely explicitly articulate this;
- commissioners want guidance on how to embed ethical standards in the commissioning and procurement process.

31. For the Committee this is an issue of accountability. The public needs to be reassured that the standards it expects are being delivered by providers, Government must be capable of assuring the public that ethical standards are part of service delivery standards and business (as the CBI has recently acknowledged) needs to recognise that a cultural shift is required in its approach to the public service market, in order to meet the public's legitimate expectations and to build public trust.

32. It was evident from our research that there are currently no consistent structures or arrangements in place to promote actively an ethical culture and behaviours in the public service market. The Committee therefore recommended that ethical standards need to be proportionately addressed within existing contractual and monitoring arrangements, as part of the process for securing the regularity and propriety of public services.

33. The Government believes that the Seven Principles of Public Life, the basis of the ethical standards framework for those operating in the public sector, has application to all those delivering public services whether they are public sector providers or third-party providers from the private or voluntary sector. As a consequence, using the evidence base from the review and building on existing mechanisms, we set out in the report a high level framework required to support these ethical standards and provide the necessary assurance

34. We have received considerable interest in our report and its recommendations from business organisations, commissioners and providers and we intend to follow this up with further discussions with a view to developing practical measures to help ensure high ethical standards are met.

Ethics in Practice

35. In July 2014, the Committee published *Ethics in Practice: Promoting Ethical Conduct in Public Life*, a short report which looked at the role of induction processes in embedding ethical standards in public life. The project looked at works in terms of building an ethical culture through induction, education and training, captured examples of best practice, and identified areas where more needs to be done or where previous progress may be at risk.

36. After looking across a range of public, private and voluntary sector organisations, we concluded that induction is key to ensuring that all public office holders are aware of the standards expected of them. Ethical standards need to be included in the induction arrangements for all those public life. For many of those in public life, this message has already been heard and understood. For some, however, more clearly needs to be done to embed ethical standards. The Committee was particularly concerned at the low level of engagement with ethical standards evidenced by those in Parliament.

37. Our report called for more of an obvious demonstration of leadership in relationship to ethical standards from those in the Westminster Parliament, both elected and appointed. We called for MPs, parties and the House Authorities to develop a meaningful and credible induction and professional development programme that builds an awareness and understanding of ethical standards – both principles and rules - that meets the needs of MPs and Lords and the expectations of the public.

Local government standards

43. The Committee has continued this year to maintain a watching brief of the standards regimes in local government and the changes resulting from The Localism Act 2011 implemented in 2012. Having emphasised at the time the need for a mandatory code of conduct, strong local leadership, and effective independent persons and expressed concern at the lack of sanctions, the Committee also recognised the need to allow new arrangements to bed down.

44. The survey carried out by Local Government Lawyer on the implementation of the Localism Act 2011, suggests indications are that the role of the independent person has been generally well received and there is some evidence that the number of vexatious complaints is falling. However, the effectiveness of the sanctions regime for non-adherence to Local Authority codes of conduct, which apart from criminal prosecution, provides only for censure or suspension from a particular committee or committees, remains an issue of concern. We are aware that there have been recent individual cases that illustrate this, in particular the lack of a sanction to suspend councillors who have seriously breached the code of conduct.

45. In contrast to the recent public debate on parliamentary standards calling for greater sanctions, tightening of codes of conduct, and a greater independent element, local government is now largely self-regulated with no systematic approach to conduct issues and limited sanctions. There remains in our view a significant risk under these arrangements that inappropriate conduct by Local Authority members will not be dealt with effectively, eroding public confidence and trust in local government. We call upon the Local Government Association to support strong long leadership and continue to use its peer challenge process to offer sector led improvement in this area as we believe the LGA has a major responsibility to provide the leadership and peer support across the sector to ensure that all councils and councillors live up to the public's expectations of high standards of ethical behaviour in those whom they elect.

46. As part of the research for the Committee's *Ethics in Practice* report, we conducted a snapshot survey of Local Authorities' approach to induction and training. The Committee sent an electronic questionnaire to Local Authority Monitoring Officers in England, asking them to circulate it further to elected members. We received over 130 responses from Monitoring Officers and elected members.

47. The Committee was extremely pleased to learn that 90% of those who responded to the survey stated that their Local Authority provided an induction programme for newly elected councillors. Coverage and awareness of the Seven Principles of Public Life in local government was also pleasingly high, with 68% of respondents saying their induction covered the Seven Principles of Public Life, 88% saying it covered their Code of Conduct and 83% of respondents saying that councillors at their Local Authority were familiar or fairly familiar with the Seven Principles of Public Life.

48. Despite these positive results, however, the Committee remains alert to the challenges to ethical standards arising from financial constraints and changes to the Local Authority standards regime. The Committee will therefore continue to monitor provision of Local Authority induction programmes and the profile of standards, conduct and ethical behaviour within those programmes by repeating this survey in 2015.

49. More generally, we have provided evidence to the Communities and Local Government Select Committee inquiry on local government procurement, highlighting our belief that public sector procurement processes should take account of ethical issues as part of delivering value for money in the broadest sense. Our report *Ethical standards of third party providers of public services* considered the ethical principles and standards that the public and commissioners of services have of those delivering public services and the necessary safeguards to ensure those principles and standards are met, is directly relevant to local government who spends over a quarter of its annual expenditure on procuring goods and services from third party providers.

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Public report Ethics Committee

10th March 2015

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Executive Director, Resources

Ward(s) affected:

Not applicable

Title:

Work Programme for the Ethics Committee 2015/16

Is this a key decision?

No

Executive Summary:

This report suggests areas of work for the Ethics Committee for the Municipal Year 2015/16. The Committee is asked to consider the draft work programme and make any suggestions for additional or alternative reports.

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'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 a proposed programme of work for the Committee, designed to assist the Committee to meet its objectives set out in the Terms of Reference, and to ensure that 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.
- 1.2 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. Options considered and recommended proposal

- 2.1 First it is proposed that there should continue to be 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.
- 2.2 Secondly it is suggested that the Ethics Committee continue to review declarations of Gifts and Hospitality by both officers and members at six monthly intervals. This will assist the Committee in reviewing how the two Codes of Conduct are working a day to day basis.
- 2.3 Thirdly, items have been included to ensure an annual 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. A separate item has been included for the first meeting of the new municipal year to consider the implications of the recent best value inspection of Rotherham MBC and the Secretary of State's subsequent decision to appoint commissioners for that authority.
- 2.4 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

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Director: Chris West	Executive Director Resources	Resources	17/02/15	18/02/15

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Work Programme for the Municipal year 2015/2016

Meeting no. and date	Topics	Verbal or written	Lead officer
2015/2016			
1.	Monitoring Officer/Code of Conduct/ members Complaints Update.	Written	Christine Forde
	Six monthly review of Register of DPs.	Written	Christine Forde
	Report on the best value inspection of Rotherham MBC.	Written	Christine Forde
2.	Monitoring Officer/Code of Conduct/ members Complaints Update.	Written	Christine Forde
	Officers Gifts and Hospitality - Inspection of Registers for first 6 months of 2015.	Written	Christine Forde
	Members Gifts and Hospitality - Inspection of Registers for first 6 months of 2015.	Written	Christine Forde
3.	Monitoring Officer/Code of Conduct/ members Complaints Update.	Written	Christine Forde
	Standards in Public Life- update from national body usually published in August each year.	Written	Christine Forde
	Annual review of Parish Councils ethical standards regime.	Written	Christine Forde
	Six monthly review of Register of Disclosable Pecuniary Interests.	Written	Christine Forde
4.	Monitoring Officer/Code of Conduct/ members Complaints Update.	Written	Christine Forde
	Officers Gifts and Hospitality - Inspection of Registers for first 6 months of 2015.	Written	Christine Forde
	Members Gifts and Hospitality - Inspection of Registers for first 6 months of 2015.	Written	Christine Forde

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