



### **Ethics Committee**

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#### **Time and Date**

10.00 am on Thursday, 17th September, 2015

#### **Place**

Committee Rooms 2 and 3 - Council House

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#### **Public Business**

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 6)
  - a) To agree the minutes of the meeting held on 2 July 2015
  - b) Matters Arising
4. **Code of Conduct Update** (Pages 7 - 24)

Report of the Executive Director of Resources
5. **Six Monthly Review of Members' Declarations of Gifts and Hospitality** (Pages 25 - 38)

Report of the Executive Director of Resources
6. **Six Monthly Review of Officers' Gifts and Hospitality** (Pages 39 - 52)

Report of the Executive Director of Resources
7. **Work Programme 2015-16** (Pages 53 - 56)

Report of the Executive Director of Resources
8. **Any other items of public business which the Chair decides to take as matters of urgency because of special circumstances involved**

#### **Private Business**

Nil

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Chris West, Executive Director, Resources, Council House Coventry

Wednesday, 9 September 2015

Note: The person to contact about the agenda and documents for this meeting is Gurdip Paddan Tel: 024 7683 3075 Email: gurdip.paddan@coventry.gov.uk

Membership: Councillors A Andrews, L Bigham, J Clifford (Chair), D Gannon and J McNicholas

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

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

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**Coventry City Council**  
**Minutes of the Meeting of Ethics Committee held at 10.00 am on Thursday, 2 July**  
**2015**

Present:

Members:                      Councillor J Clifford (Chair)  
                                    Councillor L Bigham  
                                    Councillor J McNicholas

Employees (by                H Lynch, Resources Directorate  
Directorate):                G Paddan, Resources Directorate

Apologies:                    Councillor A Andrews and D Gannon  
                                    K Sloan – Independent Person

## **Public Business**

### **1.        Declarations of Interest**

There were no declarations of interest.

### **2.        Minutes**

The minutes of the meeting held on 10 March 2015 were noted. There were no matters arising.

### **3.        Code of Conduct Update**

The Committee received a report of the Executive Director of Resources, which provided an update to Members on national issues in relation to the ethical behaviour of elected members and the local position in Coventry with regard to Code of Conduct issues. The report made reference to a number of national cases in the following areas; disrepute, bullying and disrespect.

Members were advised that the Monitoring Officer had received two new complaints, since the date of the last Committee meeting held in March 2015. All complaints had been handled in accordance with the agreed Complaints protocol and no findings had been made by the Local Government Ombudsman in relation to members of Coventry City Council. Also no complaints had been received by the Monitoring Officer in respect of Allesley or Keresley Parish Councils.

At the last Code of Conduct training session held on 16 June 2015; three newly elected members attended. It was noted that since 2012 the number of members having attended to date was 35. Consideration was given to the importance and requirement of attending the Code of Conduct training.

Members considered the report and raised the following points:

- The national cases reported at the Ethics Committee meeting to be made available for all members via the Members' Bulletin

- Holding regular training sessions at different times and officers to canvass best availability for training to improve attendance
- Code of Conduct being mandatory - every three years. Possibility of signing the Code of Conduct at 'Group' meetings
- Guidance to be provided on dealing with enquiries without correspondence address of the member of the public

**RESOLVED that the Ethics Committee:**

1. **Note the cases determined under the new regime nationally.**
2. **All members to sign the new Code of Conduct following the Council's decision to include the confidentiality clause.**
3. **National cases in relation to the ethical behaviour of elected members to be published in the Members' Bulletin.**
4. **Guidance note to be provided to members on dealing with enquiries received from their electorate**

**4. Inspection into Rotherham Metropolitan District Council: Governance Issues**

The Committee received a report of the Executive Director of Resources as requested on the outcome of two reports into child sexual exploitation in Rotherham and failings of Rotherham Metropolitan District Council, culminating in the decision of the then Secretary of State for Communities and Local Government to intervene and appoint commissioners to run the authority.

The report gave a brief history of the background to the Casey report and the decision of the Secretary of State to intervene. It set out the main findings of failure in governance at Rotherham and asked the Committee to consider what action if any it required to take in the light of those findings.

Arising from the discussions, members agreed that the whistle blowing policy be added to the work plan to ensure a climate of greater forthrightness between employers and workers so that irregularities could be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle.

**RESOLVED that the Ethics Committee:**

1. **Note the report on the inspection into Rotherham Metropolitan District Council.**
2. **Review the Council's Whistle Blowing Policy and the findings to be reported back.**

**5. Review of the Register of Disclosable Pecuniary Interests**

The Committee received report of the Executive Director of Resources; setting out information about the Register of Disclosable Pecuniary Interests (DPIs) and updated the Committee on the recent Council-wide review of interests and uploading them on to Modern.gov, the Council's software system for democratic services. The Committee was asked to note the report and to give guidance on how it would like to be kept informed of this in the future. All members of a Council are required by law to complete a 'Register of Interests' form to provide details of

any interests that might give rise to a conflict of interest in their duties as a councillor.

Members discussed the progress made and viewed the City Council's online Register of Disclosable Pecuniary Interest; the functionality enabled members to update their interest; if required, with assistance from Members' Services. Any updates entered by a member are automatically forwarded to the following officers – Christine Forde, Helen Lynch and Adrian West.

**RESOLVED that the Ethics Committee note the report and a report to be brought to a future meeting providing the DPs' online success and the frequency of usage of the 'Registers' webpage.**

**6. Appointment of Second Independent Person**

The Committee received a report of the Executive Director of Resources, which advised that in 2015 the Government published a statutory instrument (SI), the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, which required the Council to make changes to its Constitution. Those changes were approved by Cabinet Member for Policing and Equalities on 18 June and Council on 23 June 2015. The changes required the appointment of a second Independent Person to be part of a Panel in the event of disciplinary action being taken against the Council's statutory Officers. The Council currently has only one Independent Person appointed.

In the event of disciplinary action being taken against any statutory officer, the Council would either need to appoint a second person or make arrangements with another local authority to use the services of one of their Independent Persons.

**RESOLVED that the advertisement and recruitment of a second Independent Person be delegated to the Assistant Director and Monitoring Officer in consultation with the Chair of the Ethics Committee.**

**7. Work Programme for the Ethics Committee**

The Committee received a report of the Executive Director of Resources, which suggested areas of work for Ethics Committee for the Municipal year 2015-16, which were agreed at the meeting of the Committee in March 2015. The Committee gave consideration to the work programme and requested that the review of DPs be added to the work plan.

**RESOLVED that the Ethics Committee note the report and proposed changes to the work programme.**

**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 12.20)





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17th September 2015

**Name of Cabinet Member:**

N/A - Ethics Committee

**Director Approving Submission of the report:**

Executive Director of Resources

**Ward(s) affected:**

**None**

**Title:** Code of Conduct update

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**Is this a key decision?**

No

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**Executive Summary:**

This report 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.

**Recommendations:**

The Ethics Committee is recommended to:

1. Note the cases determined under the new regime nationally and request that the the Legal Services Manager, Place and Regulatory Team in consultation with the Chair of the Ethics Committee, shares the case updates with all elected Members; 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 Legal Services Manager,

Place and Regulatory Team in consultation with the Chair of the Ethics Committee.

**List of Appendices included:**

None

**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 cover breaches of the individual Council's Code of Conduct in the following areas;

- failing to value colleagues and staff, not engaging in an appropriate manner and failing to treat colleagues and officers with respect
- failing to act in the public interest, bringing the office of councillor into disrepute and failing to declare disclosable pecuniary interests and other registerable interests
- failing to act in the public interest and bringing the office of councillor into disrepute
- improperly using their position as a councillor and conducting themselves in a manner which is contrary to the duty to promote and maintain high standards of conduct by members.
- Failing to act in accordance with the Code when a matter in which the Subject Member had an interest was debated.

### **1.2.3 Cllr W Ashley: East Hertfordshire District Council**

In this case a complaint was made about a district councillor in connection with planning matters relating to his own property. The councillor was a member of the Development Management Committee of the authority. It was alleged that he used his council email account when pursuing his own applications and that the tone and content of emails were disrespectful towards colleagues and officers.

The Councillor was found to have breached the Council's Code of Conduct. A copy of the minutes of the hearing is attached in the Appendix to this report. The Sub Committee decided to:

- (a) Invite the Council to pass a formal motion of censure against Councillor Ashley;
- (b) Recommend that Councillor Ashley be not appointed to Development Management Committee in 2015/16 and

- (c) Ask the Monitoring Officer to draft a letter of apology on behalf of Councillor Ashley for him to sign and send to all Development Management Committee Members affected by his conduct.

#### **1.2.4 Cllr J Lister: Allerdale Borough Council**

A complaint was made against Cllr Lister that he had addressed the Council's Development Panel in breach of the Code of Conduct and failed to correct an untrue statement by another councillor. What is interesting about this case is that the councillor concerned attended the panel meeting as an applicant and addressed it in the same way any other applicant would do. There was an allegation that in so doing, he had failed to declare a DPI (in the application). However the Standards Committee decided that the councillor was acting in his private capacity when addressing the panel.

The matter has been referred for local resolution without investigation and the Monitoring Officer requested to review the Council's Standards Framework.

A copy of the decision notice is set out in the Appendix.

#### **1.2.5 Cllr M Wood: Allerdale Borough Council**

This complaint arose from the same Development Panel meeting as in paragraph 1.2.4 above in that Cllr Wood was accused of making an over familiar and inappropriate remark to the applicant for planning permission who was Cllr Lister. Cllr Wood was also accused of making an untrue statement during consideration of the application. He was said to have brought his office into disrepute and to have failed to have regard to the public interest.

The matter has also been referred for local resolution and the decision notice is attached at the Appendix. This case and the one previously, show how important it is that members are seen to treat other members in the same way that they would members of the public and that comments may be perceived differently from the way that was intended.

#### **1.2.6 Cllr Lewarne: Penzance Town Council**

A complaint was made against Cllr Lewarne that she had made comments relating to domestic abuse to a radio programme using a Twitter account which identified her as a councillor. The complaint was both about the nature of the comments made and the use of the account name "@Ruthcllr".

The decision was that it had been inappropriate for Cllr Lewarne to tweet under the account name "@Ruthcllr" as it gave the impression that she was acting in her official capacity as a councillor. No breach of the Code was found in connection with the comments that she made. The Councillor was asked to use a different Twitter account name when tweeting in a private capacity.

Extracts from the decision notice are set out in the Appendix to this report.

### 1.2.7 Cllr Moores: Bude-Stratton Town Council

Cllr Moores was alleged, at a meeting of the Council's planning committee (of which she was not a member) to have:

- questioned whether some of the members present had predetermined an application;
- shouted that the complainant should have declared an interest in a matter;
- Stayed in the meeting when a planning application was discussed, despite her family having an interest in the application.

Extracts from the official decision notice are set out in the Appendix.

While Cllr Moores was found not to have breached the Code with regard to the remarks that she was alleged to have made, she was found to have used her position to improperly confer an advantage on herself or caused another person a disadvantage. She did this by remaining in the meeting during a discussion on a planning application in which she had a non-registerable interest and failing to declare that interest. The omission was exacerbated by the fact that, although not a committee member, she sat with the planning committee. This would have caused a member of the public to believe she was a member of the committee.

Cllr Moores was required to attend Code of Conduct training.

## 1.3 The local picture

1.3.1 At its meeting on the 20<sup>th</sup> February 2014, the Ethics Committee 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 two new complaints, since the date of the last Committee meeting:

- (a) a written complaint that a Councillor had used the authority and resources of the Council to promote a view on a planning application. This complaint is being considered and a decision on how to proceed with it will have been made by the date of the meeting.
- (b) a written complaint from 2 individuals that a Councillor had made racist and fascist remarks on Twitter. The complaint was dealt with under Stage 1 of the Complaints Protocol and no further action was taken. It was considered that the Councillor's comments were not beyond the range of how a reasonable reader could have viewed the remarks to which they were responding. Also, political speech is afforded a higher degree of protection under Article 10 of the European Convention of Human Rights (Freedom of Speech).
- (c) a written complaint that a Councillor had made a defamatory comment in a letter published in the local press. The complainant sought a published apology in a particular form of words from the Council and the Councillor concerned. The matter was dealt with under Stage 1 of the Complaints Protocol and the Councillor wrote an apology to the complainant.

1.3.3 Cases (b) and (c) should have been reported to the Committee's meeting in July but were omitted in error.

1.3.4 All complaints are handled in accordance with the agreed Complaints Protocol. No findings have been made by the Local Government Ombudsman in relation members of Coventry City Council. No complaints have been received by the Monitoring Officer in respect of Allesley or Keresley Parish Councils.

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

Members of the Committee are asked to:

- (a) Note the cases determined under the new regime nationally and request that the Legal Services Manager (Place and Regulatory) in consultation with the Chair of the Ethics Committee bring the case summaries to the attention of all elected Members; 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 The case summaries will be shared with all elected Members as soon as possible and in any event before the next meeting of the Committee.

## **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:** Lawyer, Place & Regulatory Team, Legal and Democratic Services

**Directorate:** Resources

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Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Gurdip Paddan	Governance Services Officer	Resources	09/09/15	09/09/15
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Kathryn Sutherland		Resources	04.09.15	
Legal: Helen Lynch	Legal Services Manager (Place and Regulatory)	Resources	02.09.15	3.09.15
Director: Helen Lynch on behalf of Chris West		Resources	02.09.15	3.09.15

This report is published on the council's website:  
[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)

## Appendix

### 1. CLLR W ASHLEY: EAST HERTFORDSHIRE DISTRICT COUNCIL: EXTRACT FROM MINUTES OF MEETING ON 30<sup>TH</sup> MARCH 2015

The Monitoring Officer submitted a report on the complaint alleging that Councillor William Ashley had breached the Authority's Code of Conduct. He reminded the Sub-Committee that, at its meeting held on 19 February 2015, it had agreed that for those matters where the Investigating Officer had concluded that Councillor Ashley had breached the Authority's Code of Conduct, a hearing meeting be held to determine whether or not that Member had failed to comply with the Code and, if so, what action should be taken as a consequence.

The Chairman outlined the hearing procedure.

The Monitoring Officer reminded the Sub-Committee that the Investigating Officer had concluded that Councillor Ashley's conduct had fallen short of reasonable expectation as to how he should treat his colleagues and that he was using his position as a councillor to pursue correspondence. Accordingly, the Investigating Officer had found Councillor Ashley to be in breach of the Code of Conduct in relation to that correspondence in that he did not value colleagues and staff, did not engage with them in an appropriate manner and failed to treat them with respect. The hearing procedure was duly followed.

The Sub-Committee agreed:

- to issue a formal letter to Councillor Ashley detailing the Sub-Committee's determination that accepted the Investigating Officer's conclusion;
- to invite Council to pass a formal motion of censure against Councillor Ashley;
- that Councillor Ashley should not be appointed to Development Management Committee in the event of seeking re-election (and being re-elected) to the Authority at the May 2015 elections;
- as the meeting was public and a press representative was in attendance, no specific press release be issued on this matter, and
- the Monitoring Officer be requested to draft a letter of apology on behalf of Councillor Ashley for him to sign and send to all Development Management Committee Members affected by his conduct.

RESOLVED – that in relation to the complaint now detailed that Councillor W Ashley had breached the Authority's Code of Conduct:

- (A) a formal letter be issued to the Member detailing the Sub-Committee's determination that it accepted the Investigating Officer's conclusion;
- (B) Council be invited to pass a formal motion of censure against Councillor Ashley;
- (C) Councillor Ashley be not appointed to Development Management Committee in the event of seeking re-election (and being re-elected) to the Authority at the May 2015 elections;
- (D) as the meeting was public and a press representative was in attendance, no specific press release be issued on this matter, and
- (E) the Monitoring Officer be requested to draft a letter of apology on behalf of Councillor Ashley for him to sign and send to all Development Management Committee Members affected by his conduct.

## **2. CLLR JIM LISTER: ALLERDALE BOROUGH COUNCIL: EXTRACT FROM DECISION NOTICE DATED 31 JULY 2015**

### **Complaint**

On 27 July 2015 Allerdale Borough Council's Standards Committee considered a complaint from Mr Ian Wright concerning the alleged conduct of Councillor Jim Lister of Allerdale Borough Council. A general summary of the complaint is set out below:

The Complainant has alleged that when planning application reference 2/2014/0582 was considered by Allerdale Borough Council' Development Panel on 25 November 2015 Councillor Lister was present and addressed the Development Panel in clear breach of the Allerdale Borough Council's Code of Conduct and he made no attempt to correct the untrue statement made by Councillor Wood that no one within 800 metres of the proposed site had objected.

Potential breaches of the Code of Conduct raised by the Complainant are in relation to paragraph 5(1) and (4) and in respect of registering and declaring disclosable pecuniary and other registerable interests:

5 When acting in you capacity as a Member

(1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you.

(4) You must not bring your office into disrepute

Registering and declaring disclosable pecuniary and other registerable interests

(5) Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State.

### **Decision**

This matter is to be referred to the Monitoring Officer for Local Resolution; to resolve the complaint informally with the appropriate action without the need for a formal investigation:

- Councillor Lister to attend Code of Conduct Training provided by the Monitoring Officer or an external provider who provides training on the Code of Conduct.
- The Monitoring Officer to review the Standards Framework, including the Code of Conduct, Guidance and Arrangements, in particular in relation to the attendance of Councillors at meetings at which their application (or a member of their family or close associates application) is being considered and report back to the Standards Committee with any recommended changes and or clarification.

The above is to take place within 6 months of the decision notice.

### **Reasons for the Decision**

In assessing this complaint the Standards Committee had regard to;

- the complaint as submitted by the complainant;
- the Council's response in relation to the Ombudsman Complaints in

- respect of this application
- the Council's response to a Judicial Review pre-action protocol letter in relation to this application.

Members considered the fact that paragraph 4 of the Code of Conduct provides that the Code applies whenever a person is acting in his/her capacity as a Member of the Authority's business or acting as a representative of the Authority. Councillor Lister was acting in his private capacity as an Applicant.

Councillor Lister addressed the Panel in accordance with the Public Participation Scheme and did not participate in the discussion or vote.

With regard to the concerns raised and the public perception in relation to these issues, the Committee resolved that the Monitoring Officer review the Standards Framework including the Code of Conduct, Guidance and Arrangements to ensure openness, transparency and accountability.

Members requested that the guidance clearly set out restrictions in relation to the attendance of councillors at Development Panel meetings where their application is being considered.

In reaching this decision the Standards Committee had full regard to the views of the Independent Person, Paul Burns.

#### **What happens now?**

This decision notice is sent to the Complainant and the member against whom the allegation was made.



### **3. CLLR MARTIN WOOD, ALLERDALE BOROUGH COUNCIL: EXTRACT FROM DECISION NOTICE DATED 31 JULY 2015**

#### **Complaint**

On 27 July 2015 Allerdale Borough Council's Standards Committee considered a complaint from Mr Ian Wright concerning the alleged conduct of Development Panel Member Councillor Martin Wood of Allerdale Borough Council. A general summary of the complaint is set out below:

The Complainant has alleged that when planning application reference 2/2014/0582 was considered by Allerdale Borough Council's Development Panel on 4 and 25 November 2015, Councillor Wood made an over familiar and totally inappropriate comment to the Applicant who was Councillor Jim Lister in relation to organising a site visit prior to a decision on this application.

The Complainant has also alleged that Councillor Wood made an untrue statement to the Development Panel that nobody within 800m of the proposed site had objected.

Potential breaches of the Code of Conduct raised by the Complainant are in relation to paragraph 5(1) and 5(4):

5 When acting in your capacity as a Member

- (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you
- (4) You must not bring your office into disrepute

#### **Decision**

This matter is to be referred to the Monitoring Officer for Local Resolution; to resolve the complaint informally with the appropriate action without the need for a formal investigation:

- Councillor Wood to attend Code of Conduct Training provided by the Monitoring Officer or an external provider who provides training on the Code of Conduct.
- The Monitoring Officer to review the Standards Framework, including the Code of Conduct, Guidance and Arrangements, in particular in relation to the attendance of Councillors at meetings at which their application (or a member of their family or close associates application) is being considered and report back to the Standards Committee with any recommended changes and or clarification.

The above is to take place within 6 months of the decision notice.

#### **Reasons for the Decision**

In assessing this complaint the Standards Committee had regard to;

- the complaint as submitted by the complainant;
- the subject member's response to the complaint;
- the Council's response in relation to the Ombudsman Complaints in respect of this application
- the Council's response to a Judicial Review pre-action protocol letter in relation to this application.

In assessing this matter Members considered the informal comments made by Councillor Wood at the meeting on 4 November and Councillor Wood's response both to the Monitoring Officer immediately after the meeting and the Corporate Director in response to the Ombudsman complaints.

Councillor Wood has responded to the complaint by saying that it was an innocent remark that he regrets making as he now understands how it could have been perceived. However, he confirmed that the comment in no way affected his objective consideration of the application; he considered the application on its merits. The comment in relation to there being no objectors within 800 metres was a mistake.

Members considered Councillor Wood's comment in relation to there being no objectors within 800 metres of the site and took account of the fact that it was an incorrect statement which unfortunately was not picked up by officers or other members as being so.

Taking into consideration all the circumstances above Members considered that the recommended Local Resolution satisfactorily addressed the issues raised.

In reaching this decision the Standards Committee had full regard to the views of the Independent Person, Mr Paul Burns.

### **What happens now?**

This decision notice is sent to the Complainant and the member against whom the allegation was made.

#### **4. CLLR RUTH LEWARNE, PENZANCE TOWN COUNCIL: EXTRACT FROM DECISION NOTICE DATED 3 MARCH 2015**

##### **Complaint**

On 2 March 2015 the Monitoring Officer considered a complaint from Miss Leanne McLean concerning the alleged conduct of Councillor Ruth Lewarne of Penzance Town Council. A general summary of the complaint is set out below:

That the subject member failed to comply with the Code of Conduct of Penzance Town Council by making comments to Laurence Reed on BBC Radio Cornwall using her Twitter account @Ruthcllr on 9 December 2014 during an item on domestic abuse that demonstrated:

- a belief that female victims of domestic violence are far worse off than male victims of domestic violence; and
- a belief that psychological abuse is somehow less important than physical abuse.

The complainant has suggested that the following paragraphs of the Code of Conduct have been breached:

- failing to treat others with respect
- conducted herself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct
- bringing her office or Council into disrepute

##### **Decision, breaches of the Code found and Sanction**

The subject member has breached the Code of Conduct of Penzance Town Council by:

- improperly using her position as a councillor to confer an advantage on herself; and by so doing
- conducted herself in a manner which is contrary to the duty to promote and maintain high standards of conduct by Members.

The information that has been provided does not disclose any other breaches of the Code of Conduct.

To remedy the breaches found the subject member should amend her Twitter account to make it clear that she is not operating that account in her official capacity as a Member of Penzance Town Council or acknowledge that she operates that account in her official capacity and observe the Code of Conduct each and every time it is used. It might be appropriate for the subject member to run two separate Twitter accounts, one for her private capacity and one for her official capacity.

I do not consider it necessary for the subject member to issue any formal apologies.

##### **Reasons**

In reaching this decision I have had regard to the complaint, the views of the Independent Person, the comments of the subject member as recorded by the Independent Person and the views expressed by Laurence Reed. The subject member has not submitted a written response to the complaint.

The Code of Conduct was clearly engaged, albeit the subject member is noted as denying that she was acting in her official capacity. She denies that the Twitter name '@Ruthcllr' gives the impression to others that she may be acting in her official capacity. That is nonsense as the complainant believes that the subject member was acting in her official capacity. The Code of Conduct is engaged not only when councillors are engaged in official capacity conduct but also when those who are councillors hold themselves out as acting in their official capacity or conduct themselves in such a way that a third party could reasonably conclude that they were acting as a representative of their council. That appears to be what the complainant has concluded and that is a reasonable conclusion to reach and one with which I agree. Using 'cllr', which is a common abbreviation of 'councillor' as part of her Twitter name cannot, in my opinion, be for any other purpose than to identify the subject member as a councillor. I cannot think of any other reason for doing so and the subject member has offered no legitimate explanation to counter this conclusion.

The subject member spoke to the Independent Person engaged in the consideration of this complaint and is noted as saying that if she changed her Twitter name she would lose her 500 followers and have to start again. This is in addition to the denial mentioned above. The subject member is a Penzance Town Councillor and is entitled to identify herself as a councillor when acting in that capacity. However, it is not legitimate to give the impression that a Twitter account is associated with her official capacity when it is not so associated. It appears from the statement the subject member made to the Independent Person that she is content to allow people to think that her Twitter account is associated with her role as councillor whilst at the same time denying that she has used it in her official capacity in relation to the conduct complained about. That creates an irreconcilable tension. Further, any inconvenience or loss of Twitter status there may be for the subject member as a result of changing her profile to ensure it is not linked to her official status provides no justifiable reason for continuing to allow the perception to remain that the subject member tweets in her official capacity using that account. On the basis of the information I have considered I consider it legitimate to conclude that the subject member is improperly using the 'cllr' identifier in her Twitter name.

In relation to the substantive comments to which the complaint relates I cannot find a breach even though the Code of Conduct is engaged. Having regard to the law relating to the freedom of speech it would be inappropriate to find a breach of the Code in relation to the comments made as they appear to have been an expression of the subject member's views as part of a wider debate. The manner in which the views are reported suggest they are inarticulate and less informed than they might otherwise be. It is very easy to understand why the comments might be unpalatable to the complainant. However, they do not give rise to a breach of the Code of Conduct.

I have recorded above the action I consider the subject member should take to remedy the breaches I have found. If the subject member fails to take action to address this issue she runs the risk of further findings of breach of the Code being made in relation to any further statements made using that facility.

### **What happens now?**

This decision notice is sent to the complainant, the member against whom the allegation has been made and the Clerk to Penzance Town Council

## **5. CLLR MOORES, BUDE-STRATTON TOWN COUNCIL : EXTRACT FROM DECISION NOTICE DATED 21 MAY 2015**

### **Complaint**

On 20 May 2015 the Monitoring Officer considered a complaint from Councillor Robert Willingham concerning the alleged conduct of Councillor Lesley Moores of Bude Stratton Town Council. A general summary of the complaint is set out below:

The Complainant has alleged that, at a meeting of Bude Stratton Town Council Planning Committee held on 19 February 2015;

- The Subject Member questioned whether or not some of the members present were predetermined;
- Shouted that the Complainant should have declared an interest in a matter;
- Stayed in the meeting when planning application PA15/00396 (the 'Application') was discussed, despite the Subject Member's family having an interest in the Application.

Potential breaches of the Code of Conduct raised by the Complainant are that the Subject Member;

- Failed to treat other with respect;
- Brought their office or authority into disrepute; and
- Failed to act in accordance with the Code when a matter in which the Subject Member had an interest was debated.

### **Decision and Sanction**

The Subject Member has breached paragraph 2.11 of the Code of Conduct for Bude Stratton Town Council by sitting with a Committee of which she is not a member whilst a matter in which she had an interest was discussed. The Subject Member is considered to have used her position to improperly confer an advantage on herself or caused another person a disadvantage.

As a result of this breach I consider an appropriate sanction is for the Subject Member to attend training on the Code of Conduct within 6 months of the date of this decision.

### **Reasons**

In assessing this complaint I have had regard to the following:

- The complaint;
- The response to the complaint submitted by the Subject Member;
- A response from the chair of the Planning Committee; and
- The views of the Independent Person assigned to this matter.

The Complainant has alleged that, at a meeting of Bude Stratton Town Council Planning Committee held on 19 February 2015;

- The Subject Member questioned whether some of the members present were predetermined;
- Shouted that the Complainant should have declared an interest in a matter;
- Stayed in the meeting when planning application PA15/00396 (the 'Application') was discussed, despite the Subject Member's family having an interest in the Application.

The Complainant has also advised in his complaint that the Subject Member is not a member of the Planning Committee but was allowed to sit at the table with other Committee members.

The Subject Member has responded to the complaint by stating that she did not shout during the debate and was careful not to join in the conversation. The Subject Member has made no reference to the allegation that she should have declared an interest in the matter concerning the Application.

The Chairman to the meeting has advised the Subject Member did raise an issue regarding predetermination, either before or at the start of the meeting, and that there were no declarations of interest. However, the Chair has further stated that the Subject Member did raise the issue of the Complainant having a potential interest in a matter.

With regards to the raising of the issue of predetermination; whether it was right that a member who was not a member of the Committee was able to raise this at the meeting is something which the Chairman of the meeting has discretion over and as such, this is not considered further as part of this assessment.

With regards to the allegation that the Subject Member shouted that the Complainant should have declared an interest.

The Complainant and the Subject Member offer conflicting views on the way in which the matter of the interest was raised, the Complainant alleges that the Subject Member shouted. The Subject Member has stated she never shouts but fails to mention if she did raise the matter of an interest. The Chairman of the meeting has advised that the Subject Member did raise the issue of an interest but in doing so did not raise her voice.

Whilst I am satisfied that the Subject Member did raise the issue of an interest I am not satisfied, on the balance of probabilities, that in doing so she raised her voice and this was done in a manner which was disrespectful. As with the issue of predetermination, whether the Subject Member should have been allowed to raise this is a matter for the Chairman of the meeting. As a result I find no breach of the Code with regards to this part of the allegation.

With regards to the allegation that the Subject Member should have declared an interest when the Application was discussed.

The Complainant has set out that he considers the Subject Member's interest arises due to her ownership of the Lower Wharf Centre and the overall family interest is business on the Lower Wharf.

The Subject Member has opted not to respond to this part of the allegation however, the Independent Person assigned to this matter has advised that in their discussions with the Subject Member, the Subject Member has said she was inclined to leave the room but she was persuaded to stay and in the future she would listen to her own conscience and leave.

I have carefully considered if an interest has arisen due to the business holdings of the Subject Member in relation to the Application and consider that, taking an objective view of the facts; a reasonable member of the public would conclude that an interest arises.

However, I am not sufficiently satisfied that that a Disclosable Pecuniary Interest has arisen. Whilst there may be an impact on the Subject Member's business this is not considered to be so significant that it would affect her judgement. The reason for this is the lack of proximity of the Application to the member's business and other businesses in the area.

I do however, consider that a Non-Registerable Interest under Part 5B of the Code arises; as there is a potential for the Application to affect the wellbeing of the Subject Member or family or other people with whom she has a close association, more than it would others in the area.

In considering what action the Subject Member should have taken it is noted that the Subject Member is not a member of the Planning Committee and therefore would not have been required to declare an interest at the start of the meeting. When the matter arose on the agenda however, the Subject Member should have left the meeting setting out, for the record, her reasons for doing so.

That the Subject Member stayed in the meeting is compounded by the fact that she sat with the Planning Committee and therefore, in the eyes of an independent observer, was part of the Committee itself.

Given the fact the Subject Member had a Non Registerable Interest in the Application I am of the view that a reasonable person would consider that the Subject Member was using her position to her advantage, by sitting with the Planning Committee and then staying in the room when the Committee debated a matter in which she had an interest. I have in considering this taking into account that the Subject Member was allowed to sit with the Committee. This in itself is not a breach of the Code, but the breach arises by staying there once the matter in which she had an interest arose.

I therefore consider that the Subject Member has breached paragraph 2.11 of the Code of Conduct for Bude Stratton Town Council as she is considered to have used her position to improperly confer on herself an advantage or cause another person a disadvantage.

Whilst a breach of the Code has been found in considering a sanction for this breach I have noted that the Subject Member has said she was persuaded to stay in the room, despite having an interest.

As a result I consider an appropriate sanction is for the Subject Member to attend training on the Code of Conduct within 6 months of the date of this decision.

### **What happens now?**

This decision notice is sent to the complainant, the member against whom the allegation has been made and the Clerk to Bude Stratton Town Council.

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17<sup>th</sup> September 2015

**Name of Cabinet Member:**

N/A- Ethics Committee

**Director Approving Submission of the report:**

Executive Director of Resources

**Ward(s) affected:**

None

**Title:** Six Monthly Review of Members' Declarations of Gifts and Hospitality

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**Is this a key decision?**

No

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**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 10<sup>th</sup> March 2015. The Committee is asked to consider the declarations.

**Recommendations:**

The Ethics Committee is recommended to consider the gifts and hospitality register entries received from 14<sup>th</sup> February 2015 to 21<sup>st</sup> August 2015 and to make any recommendations that it considers appropriate.

**List of Appendices included:**

Appendix 1: Declarations of gifts and hospitality received between 14<sup>th</sup> February 2015 and 21<sup>st</sup> August 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 14<sup>th</sup> February 2015 to 21<sup>st</sup> August 2015.

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

- 2.1 The declarations received are attached as Appendix 1. In total eight forms have been received from two 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 and to make any recommendations that it considers appropriate.

### **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](mailto:carol.bradford@coventry.gov.uk)

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Gurdip Paddan	Governance Services Officer	Resources	09/09/15	09/09/15
Adrian West	Democratic and Member Services Manager	Resources	2/9/15	
<b>Names of approvers for submission: (officers and members)</b>				
Kathryn Sutherland	Finance	Resources	2/9/15	
Helen Lynch	Legal Services Manager (Place and Regulatory)	Resources	26/8/15	28/8/15
Director: Helen Lynch on behalf of Chris West	Executive Director, Resources	Resources	26/8/15	28/8/15
Members: Councillor Clifford	Chair, Ethics Committee	Elected Member		

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


Appendix

Extracts from Members' Register of Gifts and Hospitality: 14<sup>th</sup> February to 21<sup>st</sup> August 2015

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

**RECEIVED**  
 23 APR 2015

Declaration of Receipt of Gifts or Hospitality


Name	Councillor Abdul Khan
Post	Cabinet Member, Culture, Leisure, Sports, Parks and Events
Department (if applicable)	
What was the gift or Hospitality?	Ticket for GB Ice Hockey match v Poland plus hospitality
What is your best estimate of its market value or cost?	Approximately £ 45
Who provided it?	Coventry Sports Network, Coventry Sports Foundation, Coventry City Council and Wasps
When and where did you receive it?	10 <sup>th</sup> April 2015 Skydome Arena
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	Yes. It was in the Council's interest that I attend.
Did you get the consent of any officer before accepting it? If so, who? (if applicable)	No
Were there any special circumstances justifying acceptance of this gift or hospitality?	No
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No.
Signed 	Date 17.4.15



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


RECEIVED  
12 MAR 2015

Declaration of Receipt of Gifts or Hospitality

Name	Councillor Abdul Khan
Post	Cabinet Member, Culture, Leisure, Sports, Parks and Events
Department (if applicable)	
What was the gift or Hospitality?	Attendance at Wasps Rugby Match
What is your best estimate of its market value or cost?	Aprox £130
Who provided it?	Wasps Rugby Club
When and where did you receive it?	15 <sup>th</sup> February 2015 Ricoh Arena
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	Yes. It was in the Council's interest that I attend.
Did you get the consent of any officer before accepting it? If so, who? (if applicable)	No
Were there any special circumstances justifying acceptance of this gift or hospitality?	Partnership working
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	No
Signed 	Date 03/03/15

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?	Lunar Society Medal and Dinner
What is your best estimate of its market value or cost?	Approximately £100
Who provided it?	Paul Sabapathy CBE HM Lord- Lieutenant West Midlands Lieutenancy
When and where did you receive it?	07 November 2015 at Edgbaston Cricket Club
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 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
	27/4/15



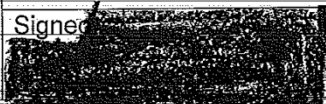
To: Legal Services, Floor 1, Christchurch House, Greyfriars Lane, Coventry, CV1 2QL

**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?	50 Anniversary Launch Dinner Warwick University Dinner
What is your best estimate of its market value or cost?	Approximately £50
Who provided it?	Events, Warwick University
When and where did you receive it?	02 December 2014 at Warwick Arts Centre
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 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 27/4/15

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?	Wasps Coventry Debut Rugby match
What is your best estimate of its market value or cost?	Approximately £30
Who provided it?	Nick Eastwood CEO of Wasps Rugby Club
When and where did you receive it?	21 December 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?	Supporting the club in their first rugby match at their home ground and promoting partnership working 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 27/4/15

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?	British Ethnic Sports Awards Ceremony and Dinner
What is your best estimate of its market value or cost?	Approximately £50
Who provided it?	Chris Perks, Sport England, 1st Floor, 21 Bloomsbury Street, London, WC1B 3HF
When and where did you receive it?	02 February 2015 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?	Supporting Sports England and celebrating Sports excellency in the BME Communities. Promoting partnership working 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 27/4/15

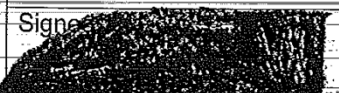
To: Legal Services, Floor 1, Christchurch House, Greyfriars Lane, Coventry, CV1 2QL

**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?	Pride of Coventry and Warwickshire Awards Ceremony and Dinner
What is your best estimate of its market value or cost?	Approximately £50
Who provided it?	Jaguar Land Rover (JLR)
When and where did you receive it?	20 March 2015 at St Marys Hall and Coventry Cathedral
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	Yes. It was in the 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?	Celebrating the winners of the awards. Promoting partnership working with JLR 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 27/4/15

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?	Foundation Stone Ceremony of National Automotive Innovation Centre (NAIC) and lunch
What is your best estimate of its market value or cost?	Approximately £50
Who provided it?	Lord Bhattacharyya, Chairman of Warwick Manufacturing Group (WMG)
When and where did you receive it?	17 March 2015 at NAIC Warwick University (did not stay for lunch due to attendance at Council meeting)
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 WMG, JLR and Tata Motors 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
Signature 	Date 27/4/15

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17<sup>th</sup> September 2015

**Name of Cabinet Member:**

N/A- Ethics Committee

**Director Approving Submission of the report:**

Executive Director of Resources

**Ward(s) affected:**

None

**Title: Six Monthly Review of Officers' Gifts and Hospitality**

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**Is this a key decision?**

No

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**Executive Summary:**

In its work programme for 2015/16 the Committee has decided to review entries in the Registers of Officers' Gifts and Hospitality for the first 6 months of the year. This report sets out the entries in the Registers for the period 1<sup>st</sup> January to 30<sup>th</sup> June 2015. It also includes an extract from the Council's Code of Conduct for Employees relating to gifts and hospitality.

**Recommendations:**

The Ethics Committee is recommended to consider the entries of gifts and hospitality received by officers for the first six months of 2015 and make any recommendations 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; January to June 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: Six Monthly 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 entries on the registers of officer gifts and hospitality for the first 6 months of the 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 year. The position for each directorate is set out in the Table at Appendix 2.

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

Each Directorate was asked to provide details of their registers.

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

4.1 Not applicable.

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

5.1 Financial implications

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

5.2 Legal implications

There are no specific legal implications arising from this report. However, reviewing the gifts and hospitality offered to employees on a regular basis 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?**

Reviewing gifts and hospitality received by employees 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 and employees 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](mailto:carol.bradford@coventry.gov.uk)

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Gurdip Paddan	Governance Services Officer	Resources	09/09/15	09/09/15
<b>Names of approvers for</b>				

<b>submission:</b> (officers and members)				
Kathryn Sutherland	Finance	Resources	2/9/15	
Helen Lynch	Place and Regulatory Team Manager	Resources	26/8/15	28/8/15
Helen Lynch on behalf of Chris West	Executive Director, Resources	Resources	26/8/15	28/8/15

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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 January to 30<sup>th</sup> June 2015

Date	Officer	Description	Provider	Estimated Value	Code of Conduct general consent	Consent of senior officer or manager obtained?
<b>CHIEF EXECUTIVE'S OFFICE</b>						
26/2/15	Chief Executive	SOLACE Annual Charity Dinner, Shakespeare's Globe	Prospectus	£75.00	Yes	N/A
10/3/15	Chief Executive	Dinner at Le Marais, Cannes as part of MIPIM conference	GVA	£75.00	Yes	N/A
12/3/15	Chief Executive	VIP lunch at the Coventry	Friargate LLP	£50.00	Yes	N/A
20/3/15	Chief Executive	Pride of Coventry & Warwickshire Awards Dinner at Coventry Cathedral	Jaguar Land Rover	£50.00	Yes	N/A
20/3/15	Marketing Manager	Ticket to Pride of Coventry Awards , Coventry Cathedral	Trinity Mirror	£20.00	Not recorded	Not recorded
23/3/15	Chief Executive	Private Dinner at Roux, London to discuss General Elections Implications	Centre for Cities	£75.00	Yes	N/A
10/4/15	Chief Executive	Ticket to Ice Hockey, GB v Poland including meal	CCC/Wasps/Coventry Sports Foundation	£25.00	Yes	N/A

12/5/15	Assistant Director Communications	Flowers	Brown Jacobson Lawyers (after talk)	£15.00	Not recorded	Not recorded
13/5/15	Assistant Director Communications	Bottle of wine	Whitley Academy (after talk)	£7.00	Not recorded	Not recorded
19/5/15	Chief Executive	End of Season Awards Dinner, Ricoh Arena	Wasps	£50.00	Yes	N/A
11/6/15	Chief Executive	Dinner at Stoneleigh Abbey, Kenilworth	Deloitte/ Odgers Berndston	£75.00	Yes	N/A
18/6/15	Chief Executive	MJ Awards Dinner, Hilton Hotel, London	Green Park Interim and Executive Search	£75.00	Yes	N/A
30/6/15	Chief Executive	Private dinner to discuss devolution at the Studley Hotel in Bournemouth as part of the LGA Conference	Local Partnerships	£75.00	Yes	N/A
10/7/15	Marketing Manager	Post event for Coventry and Warwickshire Business Awards, Ricoh Arena	Trinity Mirror	£10.00	Not recorded	Not recorded
<b>PEOPLE DIRECTORATE</b>						
	No entries during period reviewed.			£		
<b>PLACE DIRECTORATE</b>						
9/2/15	Executive Director Place	HCA Chairman/LEP Chairs Dinner at Coombe Abbey	HCA	£50	Not recorded	Not recorded
25/2/15	Team Leader,	Coffee	Rich Moore, Student	£2.50	Not recorded	Not recorded



	Property Development		Housing			
25/2/15	Executive Director Place	Dinner with Gordon Bear, Tracy Miller and Paul Harris at Coombe Abbey	Gordon Bear	£35.00	Not recorded	Not recorded
23/4/15	Executive Director Place	CW First Pro Awards and Dinner at Ricoh Arena	CW First	£50.00	Not recorded	Not recorded
28/5/14	Assistant Director, Streetscene and Greenspace	Lunch at Coombe Abbey	Gordon Bear	£20.00	Not recorded	Not recorded
19/5/15	Executive Director Place and Senior Development Executive	End of Season Awards Dinner, Ricoh Arena	CCC/Wasps/Coventry Sports Foundation	£50.00 each	Not recorded	Not recorded
20/5/15	Project Management Team Leader, Project Managers x2, Project Officer and Assistant Programme Manager	RICS Regeneration Awards	Ian Harrabin - CDP	£50.00 each	Not recorded	Not recorded
11/6/15	Executive Director Place	Dinner at Stoneleigh Abbey, Kenilworth	Deloitte/Odgers Berndston	£75.00	Not recorded	Not recorded
<b>PUBLIC HEALTH</b>						
28/1/15	Director of Public Health	Accommodation at National College of Teaching and Leadership, Nottingham	Leadership for Change	£80.00	Not known	Not recorded
28/1/15	Director of Public	Hospitality at National College	Leadership for Change	£25.00	Not recorded	Not recorded

	Health	of Teaching and Leadership, Nottingham				
25/2/15	Director of Public Health	Accommodation at Strand Palace Hotel	ESRC - What Works Well	£130	Not recorded	Not recorded
25/2/15	Director of Public Health	Hospitality at Strand Palace Hotel	ESRC - What Works Well	£25	Not recorded	Not recorded
13/3/15	Director of Public Health	Travel to MRC Offices, London	ESRC - What Works Well	£125	Not recorded	Not recorded
15/6/15	Director of Public Health	Accommodation at Roker Park Hotel	LGA-Sunderland	£180	Not recorded	Not recorded
<b>RESOURCES DIRECTORATE</b>						
17/2/15	HR Business Partner, Payroll Support and Project Specialist, and Payroll, Pensions, HR Contracts Manager	Lunch at the Establishment local restaurant	Leasedrive (MyCar Scheme provider)	£30.00	Yes	No
30/4/15	Payroll & HR Admin Team Leader	4 packets of sweets, shared by whole of Employment Services	The Coventry Blue Coat Academy	£8.00	Yes	No



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17<sup>th</sup> September 2015

**Name of Cabinet Member:**

N/A- Ethics Committee

**Director Approving Submission of the report:**

Executive Director of Resources

**Ward(s) affected:**

Not applicable

**Title:**

Work programme for the Ethics Committee 2015/16

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**Is this a key decision?**

No

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**Executive Summary:**

This report sets out the approved work programme for the Ethics Committee for the Municipal Year 2015/16. The Committee is asked to consider the 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 the approved programme of work for the Committee for 2015/16.
- 1.2 The Committee's work programme takes account of the need to promote standards and addresses this in a number of ways. It 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 The Committee is asked to review the work programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate.

### **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?

The work programme will facilitate the promotion of high standards amongst elected members in accordance with the Localism Act.

## 6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

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

None

## 6.6 Implications for partner organisations?

None at this stage

**Report author(s): Carol Bradford**

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

**Directorate:** Resources

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Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Gurdip Paddan	Governance Services Officer	Resources	09/09/15	09/09/15
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Kathryn Sutherland		Resources	2/9/15	
Legal: Helen Lynch	Legal Services Manager, Place and Regulatory Team	Resources	26/06/15	28/8/15
Director: Helen Lynch on behalf of Chris West	Executive Director Resources	Resources	26/8/15	28/8/15

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

## Appendix

### Work Programme for the Municipal year 2015/2016

Meeting no. and date	Topics	Verbal or written	Lead officer
<b>2015/2016</b>			
<b>1. 2<sup>nd</sup> July 2015</b>	Monitoring Officer/Code of Conduct/ members Complaints Update.	Written	Helen Lynch
	Six monthly review of Register of DPs.	Written	Helen Lynch
	Report on the best value inspection of Rotherham MBC.	Written	Helen Lynch
<b>2. 17<sup>th</sup> September 2015</b>	Monitoring Officer/Code of Conduct/ members Complaints Update.	Written	Helen Lynch
	Officers Gifts and Hospitality - Inspection of Registers for first 6 months of 2015.	Written	Helen Lynch
	Members Gifts and Hospitality - Inspection of Registers for first 6 months of 2015.	Written	Helen Lynch
<b>3. 10<sup>th</sup> December 2015</b>	Monitoring Officer/Code of Conduct/ members Complaints Update.	Written	Helen Lynch
	Annual review of Parish Councils ethical standards regime.	Written	Helen Lynch
	Six monthly review of Register of Disclosable Pecuniary Interests.	Written	Helen Lynch
	Standards in Public Life- update from national body usually published in August each year.	Written	Helen Lynch
<b>4. 24<sup>th</sup> March 2016</b>	Monitoring Officer/Code of Conduct/ members Complaints Update.	Written	Helen Lynch
	Officers Gifts and Hospitality - Inspection of Registers for second 6 months of 2015.	Written	Helen Lynch
	Members Gifts and Hospitality - Inspection of Registers for second 6 months of 2015.	Written	Helen Lynch