



Ethics Committee

Time and Date

10.00 am on Friday, 15th July, 2016

Place

Committee Room 2 - Council House

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 6)
 - a) To agree the minutes of the meeting held 24 March 2016
 - b) Matters Arising
4. **Code of Conduct Update** (Pages 7 - 18)
Report of the Executive Director of Resources
5. **Review of the Register of Disclosable Pecuniary Interests** (Pages 19 - 24)
Report of the Executive Director Resources
6. **Review of Gifts and Hospitality Section of Employee Code of Conduct**
(Pages 25 - 40)
Report of the Executive Director Resources
7. **Work Programme 2016-17** (Pages 41 - 48)
Report of the Executive Director Resources
8. **Any other items of public business which the Chair decides to take as matters of urgency because of special circumstances involved**

Chris West, Executive Director, Resources, Council House Coventry

Thursday, 7 July 2016

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, D Gannon, K Mulhall and S Walsh (Chair)

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, 24
March 2016

Present:

Members: Councillor J Clifford (Chair)
 Councillor A Andrews
 Councillor L Bigham
 Councillor D Gannon

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

Apologies: Councillor J McNicholas
 K Sloan - Independent Person

Public Business

20. Declarations of Interest

There were no declarations of interest.

21. Minutes

The minutes of the meetings held on 17 September 2015, 30 November 2015 and 29 February 2016 were signed as a true record.

There were no matters arising.

22. Code of Conduct Update

The Ethics Committee received a report of the Executive Director of Resources, which provided an update on national issues in relation to the ethical behaviour of elected members and the local position in Coventry with regards to Code of Conduct issues.

The report noted the cases taken from three councils from general research which displayed the national picture. In terms of the local picture, the Monitoring Officer had received six new complaints, since the date of the last Ethics Committee meeting. The complaints have been handled in accordance with the agreed Complaints Protocol and no findings have been made by the Local Government Ombudsman in relation to members of Coventry City Council. No complaints have been received by the Monitoring Officer in respect of Allesley or Keresley Parish Councils.

The Committee noted that since its last meeting it has held a hearing into complaints against two councillors on behalf of various complainants. A copy of

the Decision Notice relating to the hearing was attached to the report as Appendix 2.

RESOLVED that the report be noted.

23. **Six Monthly Review of Members' Declarations of Gifts and Hospitality**

Members received a report of the Executive Director of Resources which provided details of declarations of gifts and hospitality made by members since the Committee last reviewed these at its meeting on 17 September 2015. The Committee considered the declarations attached to the report as Appendix 1. The declarations of gifts and hospitality were detailed for the period between 22 August 2015 and 11 March 2016.

Clarification on timescales was sought from the Monitoring Officer as to the date stated on the declarations; whether it was the date the gift/hospitality was received or when it was recorded?

RESOLVED that a note be circulated to all members advising that they must declare their gift and hospitality within 28 days of receipt.

24. **Six monthly Review of Officers' Gift and Hospitality**

The Committee received a report of the Executive Director of Resources, which set out the entries in the Registers for the period 1 July to 31 December 2015. It also included an extract from the Council's Code of Conduct for Employees relating to gifts and hospitality.

The report noted that the Chief Executive's Office and each Directorate maintained their own separate register of gifts and hospitality. Each register differed slightly in terms of information recorded. Consideration was given to the entries provided with the report and clarification was sought from the Monitoring Officer in respect of clearness of entries. Members were advised that the whole process was being reviewed and with the introduction of 'SharePoint' being implemented; this would enable everyone to disclose the information in a uniform way.

RESOLVED that the section in the Code of Conduct for Employees on gifts and hospitality be reviewed.

25. **Work Programme 2016-17**

The Committee received a report of the Executive Director Resources which suggested areas of work for the Ethics Committee for the Municipal Year 2016/17.

Members reviewed the Work Programme and the following items were recommended:

- Annual review of parish councils
- Register of Disclosable Pecuniary Interests
- Annual Report from the Committee on Standards in Public Life
- Whistle blowing policy
- Code of Conduct Complaints protocol

- Society Of Local Authority Chief Executives (SOLACE) –code for chief officers
- At the first meeting of the Committee of the new municipal year consideration to be given to the Code of Conduct Complaints Protocol in the light of practice

The Committee were advised that if a member wished to bring an item forward for discussion and it was not listed on the Work Programme, that it could be accepted for consideration at a future meeting.

RESOLVED that the Work Programme for 2016/17 be updated to include the agreed items listed above.

26. **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.

(The meeting closed at 10.30am)

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Ethics Committee

15 July 2016

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

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.

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 in consultation with the Chair of the Ethics Committee, shares the case updates with all elected Members;
2. Authorise the Legal Services Manager, Place and Regulatory to draft a Member/Officer Protocol and Monitoring Officer Protocol for consideration by the Committee at a future meeting; and

3. 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 in consultation with the Chair of the Ethics Committee.

List of Appendices included:

Appendix: Decision Notice in respect of standards hearing held by another authority

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 Cllr B: Wigan Council

This was an unusual case in that the complaint that Cllr B had breached the Code of Conduct was submitted by the full Council. The complaint was made after the councillor was alleged to have made bullying and abusive remarks to another councillor at a meeting of full Council. At the next Council meeting, another councillor asked the subject member to take back his remarks but he refused and at that point the Council resolved to lodge a complaint under the Code of Conduct.

The case was heard in the subject member's absence and the Sub Committee decided to take the following action:

- (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 councillor's ward;
- (3) That Councillor B submit to the Monitoring Officer an unconditional written apology addressed to the Council members in a form acceptable to the Monitoring Officer
- (4) That should Councillor B be re-elected as a Councillor following the completion of his term of office in May, then for a period of two years from the date of his re-election:
 - All emails Councillor B sends to Members or officers of the Council shall be managed before delivery to the Member or officer. They should only be forwarded on to the relevant Member or 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 Member or officer. Members and officers are to respond to emails from Councillor B to his Councillor's Council email address;
 - Having particular regard to the nature and pattern of bullying behaviour consistently shown by Councillor B, any contact by him 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;

- Councillor B's ability to support Brighter Borough applications for funding be removed.
- (5) Should Councillor B comply with sanction (3) above then the two year length of the sanctions referred to in (4) above shall be reduced to one year.

A copy of the Decision Notice is set out in the Appendix.

1.2.3 Independent Member: Wigan Council

Members of the Committee may recall receiving several reports in recent years about allegations of breaches of the Code of Conduct by an Independent Member of Wigan Council. The Member had a long history of complaints that he had breached the Code of Conduct including allegations that he used his Council provided mobile telephone to call adult chat lines and that he was sexist. A report from the BBC in April 2016 confirmed that the Member had decided not to put himself forward for re-election in May.

1.2.4 Possible Review of Sanctions for Councillors

1.2.4.1 The Committee will be aware that the Committee for Standards in Public Life has been concerned for some time about the lack of meaningful sanctions available to councils in dealing with complaints under the Code of Conduct. The Committee has been monitoring the situation in local government since the changes to the standards regime in 2012 and always makes reference to the issue in its annual report.

1.2.4.2 Cornwall Council is now lobbying for the reintroduction of meaningful sanctions that can be appropriately applied in certain cases if a member breaches the Code. There are some concerns in Cornwall, after two serious breaches which did not relate to interests, that their Standards Committee is limited as to what sanctions could be imposed. Additionally, failures to declare what would have been in some cases prejudicial interests relating to a family member, not a spouse or partner, now receive as a sanction a censure at best, and cases where parish clerks are bullied by an individual member cannot be fully addressed unless the clerk opts for the employment law route.

1.2.4.3 On a slightly different but related point, the Local Government Act 1972 prohibits any person who has been convicted of a criminal offence and received a sentence of imprisonment of 3 months or more from becoming or continuing to

be an elected member. In February 2016, Debbie Abrahams, the MP for Oldham East and Saddleworth, raised two written questions in parliament about whether the Secretary of State for Communities and Local Government would bring forward legislative proposals to ensure that people who are convicted of child sex offences but receive a sentence less than the threshold for disqualification, are barred from serving as an elected member. The response from the Government was that during the passage of the then Cities and Devolution Bill it undertook to review the legislation on the disqualification of local authority members and to consult on proposals for change to bring the legislative rules into line with modern sentencing guidelines. The intention is to launch the consultation as soon as practicable in 2016.

1.2.4.4 The Monitoring Officer will continue to monitor the outcome of both of these initiatives and report any progress to the Committee.

1.2.5 **Governance Issues in Other Councils**

1.2.5.1 At its meeting on 2nd July 2015, the Committee considered a report on Rotherham Council in particular considered the governance issues raised by the report. The Committee asked that a review of the Council's whistle-blowing policy be carried out. Officers are working on a draft policy, which will be considered by the Committee at a future meeting.

1.2.5.2 Since then, there have been reports published in connection with two other councils which have also raised concerns about, among other things, governance in those councils. These are:

(a) Sandwell Council

An investigation was carried out by external solicitors into allegations relating to, among others, land disposals, cancellation of parking tickets, housing allocations and declarations of interest. The subsequent report runs to over 50 pages in length and deals with many issues of concern but of particular interest to the Committee will be the fact that both councillors and officers were heavily criticised in terms of political interference in day-to-day management of some services including one being discharged by an arm's length organisation, bullying and intimidation and involvement in matters where councillors and officer had interests. Some officers were also criticised for allowing themselves to be bullied and coerced, failing to report concerns and failing to secure adequate reporting of concerns.

(b) Derby City Council

In June 2016, a public interest report by external auditors was published into a number of matters of concern at Derby City Council. These included failures of governance in the management of major projects and in relation to member conduct. In particular the report concludes that members were too involved in operational matters in relation to major projects and inappropriate interventions by members in licensing matters. Officers were found not to have ensured that some council actions were legal, allowing decisions to be taken at too low a level or by members who did not have power to do so and blurring of member and officer roles.

1.2.5.3 The Acting Monitoring Officer is undertaking a review of governance matters raised by these two reports to ensure that appropriate checks and balances are in place in Coventry. Many of the actions criticised in the two reports arise from a 'blurring of the lines' between Officers and Members, inappropriate behaviour by members towards Officers and a lack of arrangements in place to deal with such issues. Whilst there are no particular areas of concern in Coventry, the lack of any arrangements to deal with issues if they occurred may result in an erosion of ethical standards.

1.2.5.4 Such arrangements are typically set out in Member/Officer Relations Protocols and a Monitoring Officer Protocol. The Council did have a Member/Officer Relations Protocol but it is no longer in place. Such protocols are considered to be good practice. In 2000 the Secretary of State issued a Ministerial Direction to all local authorities recommended that any Member/Officer Protocol should be included in their Constitution.

1.2.5.5 It is therefore recommended that the Acting Monitoring Officer is requested to draft a Member/Officer Protocol and a Monitoring Officer Protocol for consideration by the Committee at a future meeting.

1.3. The local picture

1.3.1 At its meeting on the 20th 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 three new complaints, since the date of the last Committee meeting:

(a) one against all councillors but which revealed no breach of the Code and was in reality a complaint about a policy decision of the Council. This was dealt with at Stage One with no further action being taken. The complainant's concerns have been dealt with under the Council's Corporate Complaints Procedure.

(b) a complaint that a councillor used their position to gain an advantage. The stage One investigation concluded that the councillor was not acting in their official capacity and so no further action would be taken at this time.

(c) a complaint that a councillor had given information which they knew to be false both at a meeting of the Council and in response to a fellow councillor. This was dealt with at Stage One with no further action being taken

1.3.3 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, Finham or Keresley Parish Councils.

1.3.4 The Committee will be aware that with effect from 1st April 2016, a new parish council has been created in Finham. Ten parish councillors were elected to the parish council on 5 May 2016 and held their first meeting on 12th May. Officers have been working closely with the ward members for the parish council, the temporary clerk and the residents association in the months to ensure that all necessary processes are in place to enable the parish council to operate.

1.3.5 The Acting Monitoring Officer has offered all three parish councils training for their councillors on their Code of Conduct and the declaration of interests. At the time of writing this report she was liaising with the parish councils to agree dates for training sessions.

1.3.6 The Acting Monitoring Officer has held three training sessions for City Councillors on the Code of Conduct and Declaration of Interests during the week beginning 13 June 2016. Thirty-two councillors attended one of the training sessions and the Acting Monitoring Officer will arrange a mop-up session in the early autumn for members who were unable to attend.

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;
- (b) Authorise the Legal Services Manager, Place and Regulatory to draft a Member/Officer Protocol and Monitoring Officer Protocol for consideration by the Committee at a future meeting; and
- (c) 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, 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 summary 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: Corporate Governance Lawyer, 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	6.7.16	7.7.16
Names of approvers for submission: (officers and members)				
Finance: Kathryn Sutherland		Resources	4.7.16	5.7.16
Legal: Helen Lynch	Legal Services Manager (Place and Regulatory)	Resources	4.7.16	6.7.16
Director: Chris West		Resources	4.7.16	
Councillor Walsh				

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

Appendix

1. Councillor B : Wigan Council

This was a hearing to consider whether Councillor B had failed to comply with the Council's Code of Conduct.

The Sub Committee was convened under the Council's 'Arrangements for Dealing with Complaints about the Code of Conduct for Members' in accordance with the Localism Act 2011 for the determination of complaints that a Member may have breached the Council's Code of Conduct.

The Sub Committee was notified that Councillor B had submitted a not fit to work note from his GP. The Sub Committee allowed 30 minutes after the advertised time before commencing the meeting to allow Councillor B time to attend but he did not arrive. The Sub Committee decided to hear the matter in Councillor B's absence, in doing so the Sub Committee took into account the following matters;

- Councillor B had been offered a number of opportunities to engage with the process
- the complaint had been outstanding for a considerable period
- Councillor B had been aware of the date and time set for the hearing for a reasonable time.
- The investigating officer and the witnesses were in attendance and had prepared for the hearing to take place
- The hearing had already been postponed on a previous occasion at Councillor B's request.
- Councillor B had been informed that if he did not attend the reconvened hearing it would proceed in his absence

The complaint was submitted by Full Council. The allegation was that at a Full Council meeting held on 12th November 2014 Councillor B made bullying and abusive comments to Councillor M, namely, "Oh, I forgot it is you Mr M you dickhead". The Sub Committee was informed that at the subsequent Full Council meeting held on 14th January 2015 Councillor H had made a request that Councillor B apologise for the comments he had made at the previous meeting but that he had refused to do so. Full Council therefore resolved to make a formal complaint against Councillor B in relation to his comments.

The Sub Committee had not received notification from Councillor B as to whether he wanted the hearing to be in public despite the numerous opportunities he had been given to state his preference in advance of the hearing. The Sub Committee heard oral representations from the Investigating Officer and considered legal advice from the Deputy Monitoring Officer. The Sub Committee recognised the public interest in justice being seen to be done and agreed to hold the hearing in public.

The Sub Committee then heard oral and read written representations from the Investigating Officer and the witnesses, and the other documentation contained and annexed to the investigator's report, which set out details of the complaint against Councillor B. The sub Committee also watched and listened to the video recording of the Full Council meeting held on 12th November 2014.

Councillor B had declined the opportunity to be interviewed by the Investigating Officer. Documentation from him had however been included in the Investigation report. The Investigating Officer informed the Sub Committee that on 17th December 2015 she arranged for a draft copy of her report to be hand delivered to Councillor B to provide him with the

opportunity for him to comment upon it before it was finalised. However, Councillor B had ripped up the covering letter and refused to accept delivery of the draft report.

Mr D. G. informed the Sub Committee of how the Full Council meeting on 12 November 2014 had been video recorded by him. Mr I.M., a specialist in forensic audio and video enhancement, gave evidence as to how he enhanced the video recording and was able to say in his expert opinion that Councillor B did use the words "Oh, I forgot it is you Mr M you dickhead" and not the words "Councillor M, you again" as alleged by Councillor B.

Following the submissions and subsequent discussions the Sub Committee agreed the following facts that Councillor B:

- i. was at the 12th November 2014 Council meeting and commented "Oh, I forgot it is you Mr M you dickhead";
- ii. at the Council meeting on the 14th January 2015 Councillor H made a request that Councillor B apologise for the allegedly defamatory comments he made at the previous Council meeting;
- iii. refused to apologise and he disputed the allegation that he had made any defamatory comment as he had not been reported to the Council's Monitoring Officer for breaching the Members' Code of Conduct;
- iv. That Mr I.A. is a specialist in forensic audio and video enhancement. His expertise is contained within his statement.

The Sub Committee reached these findings on the balance of probabilities. In doing so the Sub Committee found the witnesses to be credible.

The Sub Committee considered that Councillor B had been acting in his official capacity at the relevant time.

The Sub Committee then heard further evidence from the Investigating Officer as to whether the subject Member had breached the Members' Code of Conduct.

The Sub-Committee concluded that as a result of his actions Councillor B had breached paragraph 3 (1) (b):

"You must not bully or be abusive to any person"

and paragraph 5 of the Council's Code of Conduct under the following article:

"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute."

The Sub Committee considered that Councillor B's comments would be considered abusive and disrespectful to most members of the public. To say them at a Council meeting and to disrespect the meeting and the Mayor is conduct which adversely affects public confidence in his ability to fulfil his councillor role. The words used and his conduct were capable of damaging the reputation of the Council thereby engaging paragraph 5 of the Members' Code of Conduct.

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;
- (2) That Councillor B submit to the Monitoring Officer an unconditional written apology addressed to the Council members in a form acceptable to the Monitoring Officer

(4) That should Councillor B be re-elected as a Councillor following the completion of his term of office in May, then for a period of two years from the date of his re-election:

- All emails Councillor B sends to Members or officers of the Council shall be managed before delivery to the Member or officer. They should only be forwarded on to the relevant Member or 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 Member or officer. Members and officers are to respond to emails from Councillor Brierley to his Councillor's Council email address;
- Having particular regard to the nature and pattern of bullying behaviour consistently shown by Councillor B, any contact by him 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;
- Councillor B's ability to support Brighter Borough applications for funding be removed.
-

(5) Should Councillor B comply with sanction (3) above then the two year length of the sanctions referred to in (4) above shall be reduced to one year.

The Sub Committee wished that it be recorded that Councillor B refused to apologise for his abusive comment at the next Council meeting when given the opportunity to do so. He has consistently denied using the term "dickhead". This has meant that a formal investigation and hearing was necessary to establish his breaches of the Members' Code of Conduct. The resulting cost of investigating this complaint and holding this hearing is £9,000.



Ethics Committee

15 July 2016

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 the Register of Disclosable Pecuniary Interests

Is this a key decision?

No

Executive Summary:

In July 2015 the Committee received a report on the Register of Disclosable Pecuniary Interests (DPis) and the exercise to get all members' declarations uploaded onto Modern.Gov. The Committee decided to receive a further report at a future meeting on how the new system was operating. This report sets out information about the Register of Disclosable Pecuniary Interests and updates the Committee on actions taken in the last 12 months to encourage members to keep their declarations up to date and the frequency with which the online register has been viewed.

Recommendations:

The Ethics Committee is recommended to:

1. Consider progress on the review of the Register of Disclosable Pecuniary Interests and give guidance on how it wishes to be kept informed of its use in future.

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 the Register of Disclosable Pecuniary Interests

1. Context (or background)

- 1.1 The requirement to maintain a Register of Disclosable Pecuniary Interests was introduced in July 2012. At that time the Council provided training for members and produced frequently asked questions to help members understand their new responsibilities. The Register has been maintained since then with existing members providing updates to the Monitoring Officer as and when required. Newly elected members receive training as part of their induction and are given the opportunity to meet with a member of Legal Services to go through their declaration and raise any questions.
- 1.2 In 2015 the Council undertook a major exercise to review and update all declarations and to arrange for those declarations to be managed in future through Modern.Gov, the Council's democratic services software system. All members reviewed their declarations and where necessary updated them. Officers worked with members to deal with any inconsistencies in declarations and to ensure where possible that members did not declare as interests matters which did not have to be declared.
- 1.3 Officers in Governance Services and Members Services were trained in the use of the DPI facility on Modern.Gov and uploaded all declarations. The system went live at the beginning of June 2015 and members of the public may view the register of interests for each councillor through the council website. Members are able to update their entries directly on-line, with support from Members Services staff if required. Any updates entered by members are automatically forwarded to nominated officers (the Council's Acting Monitoring Officer, Acting Deputy Monitoring Officer and Members and Elections Team Manager) for review prior to publishing. The system maintains a history of changes made for future reference. Having the register on Modern.Gov, means that it can be kept up to date at all times and improves openness and transparency for the public.

2. Options considered and recommended proposal

- 2.1 The online self-service system for declaring DPIs has been in operation for just over 12 months and officers believe that it is working well.
- 2.2 After the elections in May 2016, all councillors were reminded that it was good practice to review and, if necessary, update their entries on the register. This resulted in some entries being updated and again support was offered to newly elected members who needed advice on how to complete their forms. In addition all members attending the training in June (referred to in the Code of Conduct update report elsewhere on the agenda) were given a copy of their declarations. This also prompted a number of members to update their forms.
- 2.3 Officers have retrieved information from the Modern.Gov system which shows the number of times each councillor's entries in the register have been viewed on line in the eleven months from June 2015 to April 2016. The registers were viewed a total of 5139 times in this period with an average of 467 views a month. This gave an average number of views per month for each councillor of nine. The number of views for each councillor varied significantly from 551, being the highest number of views over 11 months to 26, being the lowest. While some of these views may be attributed to officers and to the members themselves, it is clear that members of the public are viewing entries in the register on a regular basis.

2.4 The Committee is asked to consider how it wishes to review declarations of pecuniary interests in future.

3. Results of consultation undertaken

3.1 None.

4. Timetable for implementing this decision

4.1 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 their DPs under the Localism Act 2011 and Regulations made thereunder. The transfer of the register to Modern.Gov 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. Having the statutory register maintained through Modern.Gov makes it easier and quicker to update changes to interests thereby ensuring that members fulfil their statutory duty and that the public are always able to see the most up to date version of the register.

6.3 What is the impact on the organisation?

The ability to update and amend the statutory register quickly and easily assists the Council to ensure open and transparent governance.

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: Corporate Governance Lawyer, Regulatory Team, Legal and Democratic Services

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Gurdip Paddan	Governance Services Officer	Resources	5.7.16	7.7.16
Names of approvers for submission: (officers and members)				
Finance: Kathryn Sutherland	Finance	Resources	4.7.16	5.7.16
Helen Lynch	Legal Services Manager (Place and Regulatory)	Resources	4.7.16	5.7.16
Director: Chris West	Executive Director, Resources	Resources		
Members: Councillor Walsh	Chair, Ethics Committee	Elected Member		

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Public report Ethics Committee

Ethics Committee

15 July 2016

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 Gifts and Hospitality Section of Employee Code of Conduct

Is this a key decision?

No

Executive Summary:

At its meeting on 24th March 2016, the Committee considered entries in the Register of Gifts and Hospitality for Officers for the previous six months. Members were advised that the forms and format of directorate registers were being revised with a view ultimately to making these available through SharePoint. The Committee had raised concerns that the section in the Employee Code of Conduct dealing with gifts and hospitality no longer reflected common business practice and the changing role of employees, particularly senior officers. It resolved that the Employee Code of Conduct should be reviewed.

A revised register for use by directorates has been produced together with a form for employees to complete when seeking consent to accept gifts or hospitality. These are attached as Appendix 1 and 2 to this report for the Committee to consider and approve.

The Employee Code of Conduct is a large document and to review it in its entirety would be a long process. However, it is felt that the gifts and hospitality elements of the Code should be reviewed at the earliest possible opportunity and so this report considers only that element of the Code. This will be incorporated into a wider review of the Code in due course.

An extract from the current Employee Code of Conduct dealing with gifts and hospitality is attached at Appendix 3. At Appendix 4 is a proposed replacement for the current guidance. This is based on gifts and hospitality guidance issued to staff by other local authorities, guidance from

the government on the Bribery Act 2010 and from the Institute of Business Ethics. It is an attempt to give clear guidance to employees while at the same time recognising that some officers have a legitimate need to network with outside organisations in order to promote the interests of the Council and the City of Coventry.

Recommendations:

The Ethics Committee is recommended to:

1. Approve the use of the revised Register of Gifts and Hospitality at Appendix 1 and Gifts and Hospitality form at Appendix 2 for use by employees; and
2. consider the revised sections of the Employee Code of Conduct on gifts and hospitality, and subject to any changes, authorise officers to consult with appropriate officers and organisations

List of Appendices included:

Appendix 1: Revised Register of Officer Gifts and Hospitality

Appendix 2: Revised form for declaration of gifts and hospitality

Appendix 3: Extract from Code of Conduct for Employees: Gifts and Hospitality

Appendix 4: Proposed New Gifts and Hospitality Provisions of Employee Code of Conduct

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, not at this stage

Report title: Review of Gifts and Hospitality Section of Employee Code of Conduct

1. Context (or background)

- 1.1 The Committee's work programme includes an item to review entries on the registers of officer gifts and hospitality every six months.
- 1.2 At its meeting on 24th March 2016, the Committee considered entries in the Register of Gifts and Hospitality for Officers for the previous six months. Members were advised that the forms and format of directorate registers were being revised with a view ultimately to making these available through SharePoint, if possible. The Committee had raised concerns that the section in the Employee Code of Conduct dealing with gifts and hospitality no longer reflected common business practice and the changing role of employees, particularly senior officers. It resolved that the Employee Code of Conduct should be reviewed.
- 1.3 Officers have reviewed and revised the Register of Gifts and Hospitality and the form for declaration of receipt of gifts and hospitality and these are now included as Appendix 1 and 2 to this report for approval by the Committee.
- 1.4 The Employee Code of Conduct is a large document and to review it in its entirety would be a long process and to wait until after it had been reviewed in its entirety would significantly delay the implementation of any changes to the section on gifts and hospitality. However, given the Committee's concern that the current gifts and hospitality section does not reflect or take account of changes the way in which the Council does business and works with its partners, both commercial and other public sector bodies, it is appropriate that the gifts and hospitality elements of the Code should be reviewed at the earliest possible opportunity. This report therefore considers only those elements of the Code. This will be incorporated into the wider review of the Code in due course.

2. Options considered and recommended proposal

- 2.1 The rules relating to hospitality were introduced at a time when the roles of the public and private sector were more clearly delineated and it was rarely appropriate for Officers to accept particular kinds of hospitality such as sporting/music events as part of their role with the Council.
- 2.2 However, the nature of local authority business has changed over recent years. Councils are required to operate more commercially, and in a far greater range of partnerships other sectors. Increasingly, the Council is becoming an enabler rather than a provider of services, which means a different kind of relationship with partners. This may involve networking in a way that acceptance of hospitality not currently permitted under the existing Code, may in certain circumstances be appropriate and necessary. Failure to accept hospitality may result in disadvantage to the Council, particularly where other local authorities, public bodies and stakeholders are represented. Refusing hospitality can also in some circumstances damage relationships with partners.
- 2.3 This review seeks to update the Code to reflect modern business practices/need but to still ensure that hospitality is not accepted if it is intended to corrupt or influence Officers/the Council or could be perceived as intended to corrupt or influence.

- 2.4 The Council's current guidance on gifts and hospitality is set out in Appendix 1 to this report.
- 2.5 Appendix 2 sets out a revised version of the section of the Employees Code of Conduct on gifts and hospitality. This has been expanded to include more information about the general principles and policy underlying the guidance. In particular paragraph 13.1.5 acknowledges that some officers, as part of their duties and responsibilities will need to represent the Council at occasions such as community events and functions, meetings and visits with outside bodies, negotiations and meetings with contractors and business partners and conferences and courses. As gifts or hospitality may be offered on such occasions, employees are required to establish the purpose of the event and identify an outcome or benefit to the Council of attendance.
- 2.6 There is also a short reference to the Local Government Act 1972 and Bribery Act 2010 and the consequences of breach of their provisions.
- 2.7 The section on Gifts is largely unchanged from the current version except that the requirement to obtain a manager's approval for, and to register receipt of, minor business gifts such as mugs, pens, mouse mats and other stationery, is removed. This is because such gifts are commonplace and provided they are used in the office environment, there is no reason why they should have to be registered. All other gifts must be registered and no gift valued at over £25 can be accepted.
- 2.8 With regard to Hospitality, the revised provisions allow attendance at purely social or sporting functions where these are part of the life of the community or where the Council should be seen to be represented. Prior authorisation is required and the reasons as to why it is appropriate to accept the hospitality recorded on the register. Under the current Code, attendance at sporting functions is not permitted. More lavish events will normally not be permitted unless there are discernible benefits to the Council and prior approval is obtained. Incidental hospitality, such as light refreshments, provided in connection with a visit, conference, meeting or promotional exercise need not be registered.

3. Results of consultation undertaken

If Ethics Committee approves the proposed amendments these would be the subject of further consultation with the Trade Unions. Any amendments to the Code of Conduct will also need to be approved by full Council.

4. Timetable for implementing this decision

- 4.1 Not applicable.

5. Comments from Executive Director of 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 guidance given to employees on gifts and hospitality 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 guidance on gifts and hospitality received by employees will help to reduce the risk of acceptance of inappropriate gifts or hospitality and ensure that the Council's policy is fit for purpose.

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

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Helen Lynch	Legal Services Manager (Place and Regulatory)	Resources	6.7.16	6.7.16
Chris West	Executive Director, Resources	Resources	6.7.16	6.7.16
Councillor Walsh	Chair Ethics Committee			

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Appendix 2: Form for Officer Declarations

Declaration of Officer Gifts and Hospitality

Name of Officer and job title	
Date on which gift or hospitality was offered	
Details of gift or hospitality	
What is the actual or estimated value of the gift or hospitality?	
Who offered the gift or hospitality?	
What is the justification for accepting the gift or hospitality? For example, what is the business reason for acceptance and how will it promote the Council's interests?	
Are you , or do you expect to be involved in determining any application by or tender received from the donor now or in the near future?	
Will acceptance of the gift or hospitality create any conflicts, perceived or actual, in the future?	
Signature of officer and date:	
Approved / Not Approved by manager	Name and job title: Date:

APPENDIX 3

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 4

Proposed Section on Gifts and Hospitality

13. Gifts and Hospitality and Sponsorship

13.1 General Principles and Policy Statement

13.1.1 Coventry City Council is funded almost entirely from public funds, either through grants from central government, or through council tax and it is essential that the Council can demonstrate the highest standards of probity in general, and specifically in relation to its dealings with third parties.

13.1.2 The Council is committed to the highest standards of ethical conduct and integrity in its business activities. In particular it expects its elected members and employees to comply with the Seven Principles of Public Life, namely selflessness, integrity, objectivity, accountability, openness, honesty and leadership. This policy builds on those principles and sets out the Council's position if situations arise where employees or managers are offered gifts and hospitality in connection with their employment.

13.1.3 The aim of the policy is to ensure transparency in the activities of the Council and consequently protect employees from accusations of misconduct. All employees are required to familiarise themselves and comply with this procedure, including any future updates that may be issued from time to time by the Council.

13.1.4 Acceptance of gifts or hospitality by employees could be construed by others as influencing decisions made by those employees. The basic principle of this policy is that you should not behave in a way that might give the impression that a gift or hospitality could influence your decision. It is not enough for you to be satisfied that you would not in fact be influenced, or that it was not the intention of the person offering the gift or hospitality to influence you. You should consider whether a member of the public with all the relevant facts would think that the gift or hospitality could influence your decision.

13.1.5 The following general rules should apply:

- Always refuse where you think there may be an ulterior motive;
- Be sensitive to the possibility that the giver may consider that even small gifts or modest hospitality will elicit prompt service or preferential treatment;
- Never accept gifts or hospitality from anyone who is tendering for a contract with the Council, seeking planning consent from the Council or who is in conflict with the Council, where you are directly involved in the process and/or may be seen to have influence over the process. The Chief Executive or his nominee may accept hospitality in these circumstances where they are not directly involved in the matter at issue and provided there is a clear business case for acceptance.

13.1.6 Offers of hospitality and/or gifts should normally be declined. However, it is acknowledged that some employees may, as part of their duties and responsibilities, be called upon to represent the Council for example at:

- functions within the community;

- meetings/visits with outside bodies;
- meetings/negotiations with contractors or business partners;
- conferences/courses

where hospitality and gifts may be offered. Before attending any of the above, you should establish the purpose of the event, be able to justify your attendance and identify an outcome/benefit to the Council. Further guidance on when acceptance of gifts and/or hospitality may or may not be appropriate is set out below.

13.2 Bribery and Corruption

13.2.1 The Local Government Act 1972 makes it an offence for employees to accept any fee or reward (including gifts) for their employment other than proper pay. On conviction employees are liable to be fined.

13.2.2 There is a responsibility, organisationally and individually, to adhere to the provisions of the Bribery Act 2010. Where there are significant breaches of the Act, the penalties for the organisation, senior officers, employees or associated parties are severe, with up to ten years imprisonment for individuals or unlimited fines.

13.3 Gifts

13.3.1 In general, acceptance of any gift should be the exception. The City Council recognises, however, that there are some items, of token value, which may be accepted.

13.3.2 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, pens or other promotional materials can be retained if they are in use in the office.

13.3.3 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:

- refusal would cause needless offence; and
- the giver is not seeking a business decision; and
- they are shared within the Team or raffled for charity.

No gift of alcohol or tobacco should ever be accepted. Where it is not possible to refuse a gift of alcohol without causing offence or it is difficult to return it, it should be donated to the Lord Mayor's charity or raffled for charity.

13.3.4 Gifts other than those described in 13.3.2 and 13.3.3 may only be accepted if they have a value of £25 or less and your manager agrees that it is appropriate to accept. These gifts must be recorded in the directorate register of gifts and hospitality, and potentially can be donated to the Lord Mayor's charity. If your Manager does not allow you to accept any small gifts, you must return them politely, but firmly, explaining why you cannot accept it. It is advisable that employees record the offer of a gift on the register, even if it is refused.

13.3.5 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 donate them to charity and record this fact in the Hospitality Register.

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

13.4 Hospitality

- 13.4.1 The Council needs to maintain effective relationships with a wide range of partners. The giving and receiving of hospitality may form part of this activity.
- 13.4.2 You should only accept offers of hospitality if there is a genuine need to impart information or represent the Council. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. Employees attending such functions must be authorised by their Executive Director and a record of that permission, details of the hospitality and reasons why it is appropriate to accept must be entered into the directorate register of gifts and hospitality.
- 13.4.3 However, in their role as a representative of the Council, it is not appropriate for employees, either during or outside working hours, to accept lavish entertainment (e.g. banquets, drinks parties, fashion shows, sporting events, dinner/drinks receptions at conferences and other events), except where there are discernible benefits to the Council and the appropriate Executive Director (or nominee) has given approval (which must be recorded in the register). Any such offers should be declined courteously but firmly. It is anticipated that accepting such hospitality will only be appropriate in limited circumstances and for a limited number of Senior Officers.
- 13.4.4. When hospitality is declined, the offer should be courteously but firmly refused and the organiser informed of the procedures and standards operating within the Council. It is advisable for any hospitality which has been declined to be recorded in the register of gifts and hospitality.
- 13.4.5 You must not accept hospitality that you would feel unable to report openly to a superior, a Cabinet Member or a Committee. If you feel acceptance would be open to misinterpretation in any way then the hospitality must be declined as tactfully as possible.
- 13.4.6 You must be alert to circumstances which might give rise to criticism, such as the forthcoming award of or tender for a contract or the determination of a planning application. Any offer of a gift or hospitality during a tender process must be reported to the Executive Director.
- 13.4.7 Where visits are required to inspect equipment, sites as part of a tender or application process 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 such organisations and should pay your own bills for meals, travel etc., (claiming any expenditure back under the Council's procedures for reimbursement as appropriate).
- 13.4.8 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. There is no requirement to register receipt in these circumstances.
- 13.4.9 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 (or nominee). You are more likely to be able to accept hospitality of this sort where it is clear that it is corporate rather than personal. In addition acceptance of this type of hospitality is more likely to be justified in the case of senior

managers than more junior employees, where there is an expectation on the part of the Council that they network with current and potential partners. You must be very cautious about accepting hospitality where it is clear that it is being offered to you as an individual.

- 13.4.10 Where an employee is invited to speak at a conference, seminar or similar event, an offer to reimburse or cover travel and other reasonable out-of-pocket expenses by the organisers or sponsors of the event, may be accepted. This must be approved and entered onto the register.

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Public report Ethics Committee

Ethics Committee

15 July 2016

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 2016/17

Is this a key decision?

No

Executive Summary:

This report suggests areas of work for the Ethics Committee for the Municipal Year 2016/17. 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. A report has been produced for the first meeting of the Committee to consider proposals to review and update the section in the Employees' Code of Conduct on gifts and hospitality.
- 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 second meeting of the new municipal year to consider reviewing the Code of Conduct Complaints Protocol in the light of recent experience of applying the Protocol (in particular Stage 2 of the Protocol) which has highlighted areas where the protocol could be improved/clarified. An item has been included for the September meeting on the recruitment of Independent Persons.
- 2.4 Other items that may be included in the work programme as when appropriate include consideration of the proposed Solace Code of Ethics for senior employees and consideration of the revised Whistleblowing Policy.
- 2.5 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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Legal: Helen Lynch	Legal Services Manager Place and Regulatory	Resources	4.7.16	5.7.16
Director: Chris West	Executive Director Resources	Resources		
Councillor Walsh				

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Appendix

Work Programme for the Municipal year 2016/2017

Meeting date	Topics	Verbal or written	Lead officer
15 July 2016			
	Monitoring Officer/Code of Conduct/ Members Complaints Update.	Written	Helen Lynch
	Six monthly review of Register of DPs.	Written	Helen Lynch
	Review of Gifts and Hospitality Section of Employee Code of Conduct	Written	Helen Lynch
16 September 2016			
	Monitoring Officer/Code of Conduct/ Members Complaints Update.	Written	Helen Lynch
	Review of Complaints Protocol	Written	Helen Lynch
	Officers Gifts and Hospitality - Inspection of Registers for first 6 months of 2016.	Written	Helen Lynch
	Members Gifts and Hospitality - Inspection of Registers for first 6 months of 2016.	Written	Helen Lynch
	Recruitment of Independent Persons	Written	Helen Lynch
9 December 2016			
	Monitoring Officer/Code of Conduct/ Members Complaints Update.	Written	Helen Lynch
	Standards in Public Life- update from national body usually published in August each year.	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
17 March 2016			
	Monitoring Officer/Code of Conduct/ Members Complaints Update.	Written	Helen Lynch

	Officers Gifts and Hospitality - Inspection of Registers for last 6 months of 2016.	Written	Helen Lynch
	Members Gifts and Hospitality - Inspection of Registers for last 6 months of 2016.	Written	Helen Lynch

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