



Ethics Committee

Time and Date

10.00 am on Thursday, 20th July, 2017

Place

Committee Room 3, Council House, Coventry, CV1 5RR

Public Business

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 16)
 - a) To agree the minutes of the meeting held on 17 March, 2017
 - b) Matters arising
4. **Annual Report of the Ethics Committee** (Pages 17 - 28)
Report of the Deputy Chief Executive (Place)
5. **Code of Conduct Update** (Pages 29 - 36)
Report of the Deputy Chief Executive (Place)
6. **Annual Review of the Register of Disclosable Pecuniary Interests** (Pages 37 - 42)
Report of the Deputy Chief Executive (Place)
7. **Work Programme for the Ethics Committee** (Pages 43 - 50)
Report of the Deputy Chief Executive (Place)
8. **Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Martin Yardley, Deputy Chief Executive (Place), Council House Coventry

Wednesday, 12 July 2017

Note: The person to contact about the agenda and documents for this meeting is

Suzanne Bennett Tel: 024 7683 3072 Email: suzanne.bennett@coventry.gov.uk

Membership: Councillors A Andrews, L Bigham, D Gannon, K Mulhall and S Walsh (Chair)

Substitute Members Councillors R Bailey and M Mutton

Independent Persons: S Atkinson, A Barton, R Wills, P Wiseman

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.

Suzanne Bennett

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Coventry City Council
Minutes of the Meeting of Ethics Committee held at 10.00 am on Friday, 17 March
2017

Present:

Members: Councillor S Walsh (Chair)
 Councillor A Andrews)
 Councillor L Bigham
 Councillor D Gannon
 Councillor K Mulhall

Others Present (for
Minute 28 below):

Councillor J S Birdi
Councillor J Blundell

P Wiseman, the Council's Co-opted Independent Person
M Lewin, Investigating Officer

Mr R Kuruparan
Mr W Lynch

Employees (by Directorate):

Place: S Bennett, C Bradford, H Lynch

Public Business

24. Declarations of Interest

There were no declarations of interest.

25. Minutes

The Minutes of the meeting held on 9 December, 2016 were agreed and signed as a true record.

There were no matters arising.

26. Hearing into Complaint Under Code of Conduct

The Ethics Committee considered a report of the Deputy Chief Executive (Place) which detailed a complaint made against Councillor J S Birdi (the "Subject Member"). The complainant alleged that Councillor Birdi had breached the Code of Conduct for Elected and Co-opted Members in a number of ways.

A Stage One review of the complaint concluded that an Independent Investigator should be appointed to investigate the complaint. An Independent Investigator was initially appointed to carry out the investigation and he concluded that Councillor Birdi had breached the Code of Conduct. Following unforeseen circumstances, a

second Independent Investigator was appointed and he came to the same conclusion.

The Subject Member did not agree with the Investigators' conclusions and had requested that the complaint be referred to a hearing of the Ethics Committee.

The Committee considered the following:-

- a) Preliminary matters for determination
- b) Presentation of the Investigating Officer's report
- c) Presentation of the Subject Member's response to the Investigation report
- d) Summing up from both the Investigation Officer and the Subject Member
- e) Views and submissions of the Independent Person

The Committee then determined the complaint and concluded that there had been breaches of the Code of Conduct. Before determining what sanctions, if any, should be applied, the Independent Person and the Subject Member were invited to make representations as to whether or not any sanctions should be applied and, if so, what form they should take. The Committee noted that the application of any sanction should be reasonable and proportionate to the Subject Member's behaviour.

RESOLVED that the conclusion of the Committee be as set out in the Decision Letter attached as Appendix 1 to these Minutes.

27. **Review of Complaints Protocol**

The Committee considered a report of the Deputy Chief Executive (Place) which detailed proposals for a new Complaints Protocol following a review of the existing Protocol, which was approved in 2012. The report detailed reasons for the proposals and indicated that the review had drawn on recent experience and practice.

An Appendix to the report detailed the proposed revised Complaints Protocol, which was shorter than the existing one and, it was hoped, simpler and easier to navigate and understand. The report highlighted a number of proposed changes and sought the Committee's views on those changes. In particular, the Committee welcomed the fact that, in cases where the Committee decides that a Councillor had breached the Code of Conduct, the revised Protocol now included seeking the views of the Investigating Officer before sanctions are applied in order to assist the Committee in determining the seriousness of the matter and the level of appropriate sanctions.

RESOLVED that the Ethics Committee:-

- (1) Approves the revised Complaints Protocol as appended to the report**
- (2) Authorises the Legal Services Manager (Place and Regulatory) to publish and publicise the revised Complaints Protocol**

28. **Review of the Council's Whistleblowing Policy**

The Committee considered a report of the Deputy Chief Executive (Place) which indicated that the Council's Whistleblowing Policy had been reviewed in light of the Rotherham report where that Council was criticised for not having effective procedures in place for reporting suspected wrongdoing. As a result of the review, a new draft Policy had been prepared.

The Committee were requested to consider the draft Policy, which was appended to the report, and forward any suggestions for additions or amendments to the Policy to the Audit and Procurement Committee, who are responsible for monitoring the Council's policies on whistleblowing, and to the Cabinet Member for Policy and Leadership, who will have the final decision on approving the Policy.

The Council is not required by law to have a Whistleblowing Policy, however it is recommended in government guidance and by Public Concern at Work that employers should, as a matter of best practice, have such a Policy. One of the key concerns raised in the Rotherham report was that the Whistleblowing Policy was inadequate and did not provide adequate protection to whistle-blowers. The review of the City Council's Policy had sought to address these concerns through the use of safeguards and protections for individuals.

The report outlined the proposed amendments to the Policy.

RESOLVED that the Ethics Committee recommends that the Audit and Procurement Committee and the Cabinet Member for Policy and Leadership approve the revised Whistleblowing Policy as appended to the report.

29. **Code of Conduct Update**

The Committee considered a report of the Deputy Chief Executive (Place) 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 Committee discussed three cases from different Councils and noted the outcome for each. The Committee also noted that Rotherham Council had asked the Department for Communities and Local Government to review the standards provisions of the Localism Act 2011 to see what could be done to avoid circumstances in which an individual Councillor convicted of a sexual offence (but not in receipt of a custodial sentence of three months or more) could remain in office as a Councillor. The Committee expressed their concern that, under the current standards provisions, this could be allowed to happen.

In terms of the local picture, the Committee noted that one complaint had been received since the last Committee meeting in December 2016 and that this was being dealt with at Stage 1 by the Acting Monitoring Officer. The Committee also noted that no complaints had been received by the Monitoring Officer in respect of Allesley, Finham or Keresley Parish Councils.

RESOLVED that the Ethics Committee:-

(1) Notes the cases determined under the new regime nationally and requests that the Legal Services Manager, Place and Regulatory, in consultation with the Chair, shares the case updates with all elected Members and;

(2) Notes the local position relating to the Council's Code of Conduct and delegates any actions arising from these to the Legal Services Manager, Place and Regulatory, in consultation with the Chair of the Ethics Committee

30. Six Monthly Review of Members' Gifts and Hospitality

The Committee considered a report of the Deputy Chief Executive (Place) which outlined details of declarations of gifts and hospitality made by Members since the Committee last reviewed these at its meeting on 16 September, 2016.

RESOLVED that the entries contained in the Registers of Members' Gifts and Hospitality from 17 September, 2016 to 28 February, 2017 be noted.

31. Six Monthly Review of Officers' Gifts and Hospitality

The Committee considered a report of the Deputy Chief Executive (Place) which set out the entries in the Registers of Officers' Gifts and Hospitality for the period 1 July, 2016 to 31 December, 2016.

The Committee received assurances from the Legal Services Manager, Place and Regulatory, in relation to the anonymising of the details relating to junior members of staff in the report and were informed that full details of those members of staff were contained in the Registers to ensure transparency.

RESOLVED that the entries contained in the Registers of Officers' Gifts and Hospitality for the period 1 July, 2016 to 31 December, 2016 be noted.

32. Work Programme for Ethics Committee 2017/18

The Committee considered a report of the Deputy Chief Executive (Place) appended to which was a proposed Work Programme for the Committee for 2017/18. In particular, the Committee noted the proposed inclusion of an Annual Report on the Committee's activities during the year, which would be submitted to a Council meeting.

RESOLVED that approval be given to the proposed Work Programme for Ethics Committee for 2017/18 as appended to the report.

33. Any Other Items of Urgent Public Business

There were no other items of urgent public business.

(Meeting closed at 2.40 pm)

COVENTRY CITY COUNCIL

DECISION NOTICE OF ETHICS COMMITTEE

A **Complaint by:** Mr Nagarajah Kuruparan
 ("the Complainant")

B **Subject Member:** Councillor Jaswant Singh Birdi

C **Introduction**

1. On 17 March 2017, the Ethics Committee of Coventry City Council considered a report of an investigation into the alleged conduct of Councillor Jaswant Singh Birdi, a member of Coventry City Council. A general summary of the complaint is set out below.

D **Complaint summary**

2. The Complainant made a number of allegations about the behaviour of Councillor Birdi. These can be summarised as follows:

- 2.1 *By raising concerns about litter near a property that he owned, Councillor Birdi was acting in his own interests and not in the public interest. This was contrary to Paragraphs 2(a) and 3(a) of the Code of Conduct.*
- 2.2 *Councillor Birdi should have referred his concerns to a councillor for the ward where the litter was located and this was contrary to Paragraph 3(b) of the Code.*
- 2.3 *Councillor Birdi should have remained objective and should not have assumed that the litter was the fault of the Complainant; he should not have become angry and personal when raising his concerns with the Complainant. This was in breach of Paragraph 3(e) of the Code.*
- 2.4 *Councillor Birdi should have been clear, from the outset of his interaction with the Complainant, that he was a councillor and his failure to do so was a breach of Paragraph 3(g) of the Code;*
- 2.5 *By being aggressive and abusive towards the Complainant, Councillor Birdi failed to treat him with respect contrary to Paragraph 3(j) of the Code; and*

- 2.6 *Councillor Birdi breached Paragraph 3(k) of the Code by virtue of his aggressive and abusive behaviour towards him and abused his position as a councillor.*
- 2.7 On 1 February 2016, The Deputy Monitoring Officer instructed Jeremy Thomas, Head of Law and Governance and Monitoring Officer at Oxford City Council, to conduct an independent investigation into the complaint (“the First Investigating Officer”).
- 2.8 The First Investigating Officer issued his report on 18th March 2016. He concluded that:
- (a) Councillor Birdi was entitled to raise concerns about the amount of litter in an area that was not in his own ward. There was no breach of the Code in this respect.
 - (b) Councillor Birdi was racially abusive to the Complainant and this amounted to a breach of the Code in failing to treat people with respect.
 - (c) Councillor Birdi did make an inappropriate threat to close the Complainant’s shop down but his subsequent actions in asking Trading Standards to check the premises were not inappropriate. In making the threat, Councillor Birdi failed to treat the Complainant with respect and this amounted to a breach of the Code.
 - (d) In relation to the litter allegation, this did not reveal a breach of the Code. While it could be argued that Councillor Birdi ought not to have made the request in the first place, having been told no, he respected the answer and did not follow up the request other than pursuing the wider litter/bins issue which was a matter of public interest.
- 2.9 Councillor Birdi indicated that he did not agree with the Investigating Officer’s report and the matter was set for hearing on 12 September 2016 but had to be cancelled due to unforeseen circumstances.
- 2.10 After the hearing was postponed, officers had discussions with both the Complainant and Councillor Birdi about whether the matter could be settled informally. Although Councillor Birdi was prepared to do so, the Complainant was not. Mr Matt Lewin, a barrister practising from Cornerstone Chambers, 2-3 Gray’s Inn Square, London, was therefore instructed to carry out a second investigation into the complaint.
- 2.11 Mr Lewin issued his draft report on 30 November 2016. He concluded that:
- a) Councillor Birdi’s conduct towards the complainant was aggressive and abusive, specifically racially abusive. This amounted to a breach of paragraphs 3(j) and 3(k) of the Code of Conduct.

- (b) Councillor Birdi did threaten to close down Mr Kuruparan's premises and this was also in breach of paragraphs 3(j) and 3(k) of the Code.
- (c) There was nothing improper in Councillor Birdi's referral to Trading Standards and therefore this was not a breach of the Code.
- (d) Councillor Birdi did request litter pickers to clear litter from the front garden of his own private property. However, this was not a breach of the Code. Councillor Birdi was told that the litter pickers could not clear private property and he appears to have accepted what he was told.

2.12 The Subject Member did not agree with Mr Lewin's conclusions and so the matter was set for hearing on 17 March 2017.

E Hearing

3. The Ethics Committee consisted of:

- Councillor Seamus Walsh (Chair)
- Councillor Allan Andrews
- Councillor Linda Bigham
- Councillor Damian Gannon
- Councillor Kieran Mulhall

3.1 The Complainant attended the hearing and was accompanied by Mr W Lynch.

3.2 Councillor Birdi attended the hearing and was accompanied by Councillor John Blundell.

3.3 Mr Matt Lewin, the Investigating Officer (IO), attended the hearing.

3.4 Mr Peter Wiseman, the Council's Co-opted Independent Person, attended the hearing.

F Consultation with Independent Persons

4. The Council's Independent Person at the time of the First Investigation Report, Mr Ken Sloan, stated in an email dated 11 April 2016 that:

4.1 *"I can confirm that I have reviewed the report and supporting document. It is clear that the allegations do relate to and are appropriate for consideration under the Code. The findings seem appropriate and proportionate with regard to the allegations and evidence considered."*

I think the investigation has been conducted comprehensively although it will be important to consider the response of Councillor Birdi to the draft report and to see if there are any issues of fact that are challenged.

I would be grateful if you could keep me posted as it progresses.”

4.2 The Council’s Co-opted Independent Person, Mr Peter Wiseman OBE, LLB, on 2 January 2017 gave his views on the complaint and the second investigation. Among other things he said:

4.3 *“I have excluded from my consideration those complaints arising directly out of Councillor Birdi’s decision to voice concerns regarding the litter problem. Manifestly it was a perfectly proper matter for him to investigate. It is the manner in which he became involved and his overall conduct which raise issues around whether or not he is in breach of the Code.*

The Monitoring Officer has described the allegations as “serious and significant”. I agree. Both of the Independent Investigators have met the parties and found that Councillor Birdi is in breach of the code in that he abused Mr Kuruparan and threatened closure of his business. It is always an invidious position where one is called upon to decide who is telling the truth when faced with diametrically opposed accounts such as we have here. As I have indicated, I have not met either of the parties but I am persuaded by the detailed analysis of the evidence that Mr Kuruparan’s account, supported as it is by eye witnesses, is a more likely match for the events as they unfolded.

If the Committee finds that Councillor Birdi is indeed in breach of the Code of Conduct then it is, of course, for it to decide what, if any, sanction should be applied. Having due regard for the circumstances here I would respectfully suggest that it would be reasonable and proportionate for a sanction to be imposed because what happened has a number of aggravating features and went beyond what might be described as a minor skirmish or disagreement.

As a final observation, even if I am wrong concerning whose account is to be preferred, it is regrettable that opportunities both on the day and subsequently have been missed by Councillor Birdi to resolve this dispute. This would have been consistent with the objectives of the Council’s equalities policy in meeting its statutory duties to ‘eliminate unlawful discrimination, harassment and fostering good relations through community cohesion.....’. I accept that it would have taken both parties to willingly engage in the process but I would have hoped that common sense could have prevailed and that they would have recognised the opportunity and benefits to be derived from seeking an amicable settlement.”

4.4 In addition Mr Wiseman advised the Committee that he felt that it was very sad that matters had come this point. He reminded the Committee

that the event complained of took place in January 2016. Councillor Birdi would have been aware of the complaint, which was made on 15th January 2016, at an early stage. The lapse of time between the incident and the hearing may have contributed to the polarisation of views about what happened between the Complainant and Councillor Birdi. He had not been aware that there had been a proposal to try to resolve the Complaint by agreement. He felt it was a pity that an attempt to resolve the matter had not been taken earlier.

- 4.5 With regard to sanctions, Mr Wiseman said that if the Committee were minded to find that there had been a breach of the Code of Conduct, he would not 'quibble' with anything in the recommendations of the Investigator at paragraph 55 of his report. He did, however, advise the Committee to consider very carefully the recommendation to recommend censure by full Council.

F Findings

- 5.1 After considering the submissions of the parties to the hearing and the views of the Independent Persons, the Committee reached the following decisions:

- 5.2 ***On the question of whether Councillor Birdi's conduct towards the Complainant was aggressive and abusive, specifically racially abusive and whether this amounted to a breach of paragraphs 3(j) and 3(k) of the Code of Conduct:***

The Committee found that Councillor Birdi's conduct towards the Complainant was aggressive and abusive, specifically racially abusive, and this amounted to a breach of paragraphs 3(j) and 3(k) of the Code of Conduct.

- 5.3 ***On the question of whether Councillor Birdi threatened to close down Mr Kuruparan's premises and whether this was also in breach of paragraphs 3(j) and 3(k) of the Code:***

- 5.4 The Committee found that Councillor Birdi had threatened to close down Mr Kuruparan's premises and that this also amounted to a breach of paragraphs 3(j) and 3(k) of the Code of Conduct.

- 5.5 Paragraph 3(j) of the Code of Conduct states that councillors must "*always treat people with respect, including the organisations and public I engage with and those I work alongside.*"

- 5.6 Paragraph 3 (k) of the Code of Conduct states that councillors must "*provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.*"

G Reasons

6. The Committee's reasons for reaching its decision are as follows:

6.1 *The finding that Councillor Birdi's conduct towards the Complainant was aggressive and abusive, specifically racially abusive, and amounted to a breach of paragraphs 3(j) and 3(k) of the Code of Conduct*

6.1.1 The accounts of Councillor Birdi and of the Complainant vary considerably in their recollection of what was said in the shop on 4th January 2016. The Committee has compared these accounts and has come to the conclusion that, on the balance of probabilities, the Complainant's account is the more likely. It also took note of the fact that two investigating officers had, independently of each other, come to the same conclusion.

6.1.2 The factors that have persuaded the Committee to prefer the Complainant's account over that of Councillor Birdi are set out in the Investigating Officer's report at paragraph 44. In particular the Committee considered that:

- (a) Councillor Birdi's account was inherently implausible. It did not make sense that Mr Kuruparan would immediately launch into a racist diatribe in the manner alleged by Councillor Birdi or that he would demand to see Councillor Birdi's passport. His account was inconsistent with the evidence obtained from the police in that: PC Francis described Councillor Birdi's manner as "*agitated*" whereas Councillor Birdi's account is that he remained calm; and there is no reference in the CAD report or from the police officers that Mr Kuruparan had said that Councillor Birdi was throwing goods around the Quickshop.
- (b) The Complainant's account was more balanced and he accepted that he was upset. The Committee accepted the Investigator's view that the Complainant appeared to be sincere in what he was saying and to have a real sense of grievance about Councillor Birdi's behaviour.
- (c) The Complainant's account was corroborated by both the shop assistant and the customer. In particular, the shop assistant confirmed both that Councillor Birdi refused to leave the shop and the account of the conversation given by the Complainant. He disagreed with the account of the conversation given by Councillor Birdi. The customer was an independent third party and felt that Councillor Birdi was being abusive towards the Complainant and not the other way round. He denied that the Complainant had been abusive towards Councillor Birdi.

- (d) The Committee acknowledges that there is no reference to any racial abuse in the accounts of the two police officers beyond the Complainant having said that Councillor Birdi did not like him because he was a Muslim. However, the Committee accepts that Complainant would never have described himself as Muslim when he was not and that the police officer had misinterpreted what he had actually said.
- (e) It is likely that Councillor Birdi was aware that the Complainant was of Sri Lankan heritage. While the Committee took note of the information that Councillor Birdi put before it of the number of people of Sri Lankan heritage resident in Coventry, and his calculations regarding the number that might be expected to run small shops, the Committee felt that this information missed the point that, taken together with everything else that Councillor Birdi said, he used the adjective “Sri Lankan” in a racially abusive manner, regardless of whether he was aware of the Complainant’s heritage.
- (f) The Committee took note of Councillor Birdi’s assertion that he was “the coolest person ever” during the incident. However, it also noted that that this was contradicted by the recollections not only of the Complainant but also the customer, both police officers and the shop assistant. At the hearing Councillor Birdi accepted that he was “cool in his mind” but that outwardly he may have appeared different.

6.2 ***The finding that Councillor Birdi threatened to close down Mr Kuruparan’s premises and that this was also in breach of paragraphs 3(j) and 3(k) of the Code***

6.2.1 As stated in paragraph 6.1.1 above, the accounts of the Complainant and Councillor Birdi as to what happened on 4th January 2016 could not be more different. The Committee has had to weigh the evidence of all parties and again, on the balance of probabilities, has found that it prefers the account of the Complainant. As with the Committee’s finding that Councillor Birdi had been aggressive and abusive, the Committee took note of the fact that both Investigating Officers had concluded that the Complainant’s account of the threat to close his shop down, was more likely to be true.

6.2.2 The factors that have persuaded the Committee to prefer the Complainant’s account over that of Councillor Birdi are set out in the Investigating Officer’s report at paragraph 45. In particular the Committee considered that:

- (a) As it had accepted the Complainant’s allegation that Councillor Birdi had been aggressive and abusive and specifically racially abusive, the Committee was inclined to accept the accuracy of the Complainant’s account in respect of the allegation that Councillor Birdi threatened to close down his shop.

- (b) The Complainant's account is corroborated by the shop assistant and the customer.
- (c) Councillor Birdi's subsequent action in referring the Quickshop to the attention of Trading Standards on that same morning, although not in itself improper, is consistent with his having made the threat to shut down the shop.

H Sanctions applied

- 7.1 Having found that there had been two breaches of the Code of Conduct by Councillor Birdi, the Committee considered the representations of the Independent Person with regard to sanctions as set out in paragraph 4.5 above. Councillor Birdi was given an opportunity to address the Committee on the question of sanctions but did not wish to do so.
- 7.2 The Committee considered that the two breaches of the Code of Conduct were most serious. The aggression and verbal abuse of the Complainant was racial in nature and it felt that the threat to close down the shop was an abuse of Councillor Birdi's position as an elected member. The Committee considers that all councillors must treat others with respect and demonstrate leadership by behaving in accordance with the principles set out in the Code of Conduct. On this occasion, Councillor Birdi failed to do this.
- 7.3. While the Committee recognised that Councillor Birdi was willing to settle this matter, this was only after the first hearing had to be cancelled. At no point in the time that has elapsed since the incident took place has Councillor Birdi expressed any regret for what happened.
- 7.4 The Committee decided to:
 - (a) publish its findings in respect of Councillor Birdi's conduct;
 - (b) send a formal letter of censure to Councillor Birdi;
 - (c) report its findings to full Council with a recommendation that it censures Councillor Birdi;
 - (d) recommend to Councillor Birdi's Group Leader that he be removed as Shadow Cabinet Member for Policing and Equalities; and
 - (e) recommend to the Acting Monitoring Officer that she arranges appropriate training for Councillor Birdi.

I Appeal

There is no right of appeal against the Committee's decision.

J Notification of decision

This decision notice is sent to:

Mr Nagarajah Kuruparan
Councillor Jaswant Singh Birdi
Councillor John Blundell
Mr Matt Lewin and
Mr Peter Wiseman, OBE, LLB

The decision will also be published on the Council's website.

K Additional help

If you need additional support in relation to this decision notice or future contact with the City Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language.

**Councillor Seamus Walsh
Chair, Ethics Committee**

29 March 2017



Ethics Committee
Council

20 July 2017
5 September 2017

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Deputy Chief Executive, Place

Ward(s) affected:

None

Title: Annual Report of Ethics Committee

Is this a key decision?

No

Executive Summary:

Recommendations:

The Ethics Committee is recommended to:

- (1) Approve the Annual Report of the Committee; and
- (2) recommend that Council notes the Annual Report and to consider whether there is any work within the Committee's terms of reference that Council would wish the Committee to undertake.

Council is recommended to:

To note the Annual Report of the Ethics Committee and to consider whether there is any work within the Committee's terms of reference that Council would wish the Committee to undertake.

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?

Yes

Report title: Annual Report of Ethics Committee

1. Context (or background)

- 1.1 The Council's Ethics Committee was established in 2012 following the introduction of new duties and responsibilities regarding ethical conduct in the Localism Act 2011. The Council as a whole has a legal duty to promote and maintain high standards of conduct by members and co-opted members of the authority. The Ethics Committee, through its work, assists in discharging this statutory duty.
- 1.2 The terms of reference of Ethics Committee also include:
- (a) Making recommendations to the Council on the appointment of "independent persons" under the Localism Act 2011;
 - (b) Approving and revising the Complaints Protocol which will set out the detailed procedures for considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members;
 - (c) Considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members in accordance with the Complaints Protocol;
 - (d) Monitoring the operation of the Code of Conduct for Elected and Co-opted Members and making appropriate recommendations to the relevant body;
 - (e) At the request of the member or co-opted member concerned, reviewing any decision of the Monitoring Officer not to grant a dispensation in relation to disclosable pecuniary interests in accordance with Section 33 of the Localism Act 2011;
 - (f) Monitoring the operation of the Code of Conduct for Employees and making appropriate recommendations to the relevant body;
 - (g) Considering complaints made against Elected Members of Finham Parish Council, Keresley Parish Council and Allesley Parish Council under the relevant Parish Council's Code of Conduct for Elected Members in accordance with the City Council's Complaints Protocol; and
 - (h) Considering any other matters which are relevant to the ethical governance of the Council, its Members or Employees.
- 1.3 The Committee approves a work programme for each year which includes regular reports as well as one off pieces of work. At its meeting in March 2017, the Committee agreed that in future it would submit an annual report to Council setting out the work that it has accomplished in the past year. This report comprises the first Annual Report of the Ethics Committee.

2. The Annual Report and Recommended Proposal

2.1 *About the Committee*

Ethics Committee comprises five councillors. In the municipal year 2016/17, the membership of the Committee was Cllr Walsh (Chair), Cllr Andrews, Cllr Bigham, Cllr Gannon and Cllr Mulhall. Although not a member of the Committee, any Independent Person appointed by the Council is encouraged to attend the meetings. The Committee held four scheduled meetings in 2016/17 with an additional hearing, which ultimately had to be postponed.

2.2 *Code of Conduct Complaints*

The Council received a total of ten new complaints against councillors in the municipal year 2016/17. All complaints were against city councillors and no complaints were received about councillors from any of the three parish councils. In five cases the complainants were members of the public although one complaint was not pursued by the complainant. In the remaining five cases, the complaint was made by another councillor. In seven cases the Chief Executive and Acting Monitoring Officer decided to take no further formal action either because an initial review revealed no breach of the Code or because the matters which were the subject of the complaints related to matters which occurred when the subject councillor was not acting as an elected member. In one case, though, a member was required to undertake training and in another the councillor apologised to the complainant. In a final case the Acting Monitoring Officer provided guidance to the subject member on future conduct.

In an eleventh case, there was no formal complaint against a councillor but the Acting Monitoring Officer decided that the matter, because it involved comments made to the press was sufficiently serious to merit an investigation in any event. The Monitoring Officer concluded that the subject member had breached the Member Code of Conduct by failing to:

- behave in accordance with all his legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures including the use of Council resources;
- always treat people with respect, including the organisation and public he engages with and those he works alongside;
- provide leadership through behaving in accordance with these principles when championing the interests of the communities with other organisations as well as within the Council.

The Subject Member, having consulted with the Independent Person, accepted the Monitoring Officer's conclusion. The Committee subsequently held a sanctions hearing and resolved to censure the Member and require them to undertake training.

Finally the Committee held a full hearing into a Code of Conduct complaint in March 2017. This related to a complaint that had been lodged in the municipal year 2015/16. The complaint arose out of an incident where the councillor had complained to a shop owner about litter outside the shop. The shop owner alleged that:

- (a) By raising concerns about litter near a property that he owned, the councillor was acting in his own interests and not in the public interest.
- (b) The councillor should have referred his concerns to a councillor for the ward where the litter was located.
- (c) The councillor should have remained objective and should not have assumed that the litter was the fault of the complainant; he should not have become angry and personal when raising his concerns with the complainant.
- (d) The councillor should have been clear, from the outset of his interaction with the complainant, that he was a councillor
- (e) By being aggressive and abusive towards the complainant, the councillor failed to treat him with respect and
- (f) The councillor breached the Code by virtue of his aggressive and abusive behaviour towards him and abused his position as a councillor.

The Committee upheld the conclusions of the 2 independent Investigating Officers and found that:

- the councillor had been aggressive and racially abusive towards the shop owner; and
- he had threatened to close his shop down; but:
- the other allegations did not constitute a breach of the Code of Conduct.

The Committee decided to:

- (1) publish its findings in respect of the councillor's conduct;
- (2) send a formal letter of censure to the councillor;
- (3) report its findings to full Council with a recommendation that it censures the councillor;
- (4) recommend to the councillor's Group Leader that he be removed as Shadow Cabinet Member for Policing and Equalities; and
- (5) recommend to the Acting Monitoring Officer that she arranges appropriate training.

At a special meeting in May 2017, full Council resolved to censure the councillor.

All councillors who have been the subject of a complaint and have been required to undertake training, have completed that training.

2.3 Code of Conduct Training

It is a requirement that all councillors attend Code of Conduct training at least every 3 years. The Acting Monitoring Officer held five training sessions for city councillors on the Code of Conduct in July and September 2016. These were very well attended with all but 9 councillors who were due to undertake training, attending the sessions. The Acting Monitoring Officer is holding a further 2 sessions in July 2017 specifically

aimed at those councillors who could not attend the 2016 training. Four councillors attended the first of these sessions and the remainder are booked to attend the later session.

In addition the Acting Monitoring ran a training session for parish councillors in 2016 on the Code of Conduct and Disclosable Pecuniary Interests. This was attended by the clerk and all councillors from Finham Parish Council and the clerk of Keresley Parish Council. The Acting Monitoring Officer also attended two meetings of Allesley Parish Council and delivered the same training to their clerk and councillors.

2.4 Appointment of Independent Persons

The Localism Act requires all local authorities to appoint at least one person as an "Independent Person". The Independent Person's views must be sought by the authority on Code of Conduct allegations and their advice may be sought by a member who is alleged to have breached their Code of Conduct. There are very strict rules about who may and may not be eligible to be an Independent Person.

The City Council's Independent Person resigned in July 2016. Following advertisement, for at least three replacement Independent Persons, five applications were received. An interview panel was set up consisting of the Chair of Ethics Committee Cllr Seamus Walsh, Cllr Abdul Khan and Councillor John Blundell.

Four candidates were invited to interview on 18 April 2017 and the Panel decided to recommend the appointment of all four candidates: Steve Atkinson, Ann Barton, Ruth Wills and Peter Wiseman. While it had originally been intended to appoint up to three independent persons, the panel felt that each candidate had different qualities and skills which would benefit the Council in meeting its legal duty to uphold and promote high standards of ethical behaviour among elected and co-opted members. In addition, having a pool of independent persons will assist where an independent person has a conflict of interest in a particular matter and will make it easier for members to consult an independent person on aspects of ethical conduct. The intention is that the Independent Persons may, in time, be able to assist other local authorities in the West Midlands where there is no Independent Person available.

On 18 May 2017, Annual Council confirmed the appointment of all four applicants as Independent Persons. The Monitoring Officer has arranged some training for the Independent Persons immediately following the meeting of the Ethics Committee.

2.5 Review of Complaints Protocol

The Council's Complaints Protocol was approved by Ethics in 2012 when the Localism Act 2011 introduced a requirement that all councils have in place arrangements for dealing with allegations of a breach of the Code of Conduct and of determining those allegations. The Council's Complaints Protocol sets out these arrangements and the Committee's terms of reference include approving and revising the Protocol. The Protocol sets out the detailed procedures for considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members.

The Committee decided to review of the Protocol drawing on experience of its operation since 2012. A revised protocol was approved in March 2017 and will be used to determine future complaints under the Code of Conduct, The new Protocol is shorter and should be simpler and easier to navigate and understand.

2.6 Whistleblowing Policy

The Ethics Committee considered that the Council's Whistleblowing should be reviewed in light of the Rotherham report where that council was criticised for not having effective procedures in place for reporting suspected wrongdoing. A revised policy was approved by the Committee for consideration by the Audit and Procurement Committee and by the Cabinet Member for Policy and Leadership in April 2017. The Policy has been reviewed to ensure that it is fit for purpose and complies with legislative requirements.

2.7 Officer and Members Gifts and Hospitality

The Council has strict rules about when and if members and officers can accept gifts and/or hospitality. In the past year the Committee has reviewed the gifts and hospitality section of the Employee Code of Conduct and recommended changes to that policy to full Council. The changes in the policy were approved by full Council on 6 September 2016. The Committee considers that the policy now reflects the way in which the Council through its officers operates and provides more effective checks and balances on the receipt of gifts and hospitality. All directorates now have a common register which requires gifts and hospitality to be approved by a senior officer.

In addition, the Committee reviews the registers of gifts and hospitality for both members and officers every six months. Members have been reminded of the need to declare any gifts or hospitality within 28 days of receipt and not to wait until they have a number of instances to record.

2.8 Sanctions for Code of Conduct Breaches

Over the past year the Committee has been monitoring concerns about the lack of any meaningful sanctions for councillors who breach the Code of Conduct. In particular two councils and the Committee on Standards in Public Life have expressed concerns to the Government that the regime under the Localism Act 2011 does not give local authorities the ability to do anything more than censure councillors who breach their Code. Councillors cannot be compelled to undertake training and it is up to party groups or leaders to decide whether to remove councillors from committees or executive positions. There is no longer any power to suspend a councillor and the power to disqualify a person from elected office is only available to the courts if a councillor is convicted of an offence relating to Disclosable Pecuniary Interests.

The Committee on Standards in Public Life is holding a seminar to discuss potential ethical standards issues arising over the next five years on 10 July, the Acting

Monitoring Officer will be attending the seminar and will report back to the next meeting of the Ethics Committee.

2.9 Operation of Register of Disclosable Pecuniary Interests

The Committee undertook its first review of the operation of the Register of Disclosable Pecuniary Interests in July 2016 following the publication of the register through the Council's committee management system, Modern Gov. The migration of registers to this system has meant that members, with assistance from Member Services staff where required, have been able to update changes in their interests quickly and easily and this has helped to ensure that the online register is up to date at all times. The system provides a record of additions and deletions and allows officers to see how often individual councillors' registers are being viewed online by the public. In addition officers regularly remind councillors of the need to keep their register up to date, particularly on re-election or after being appointed to outside bodies at Annual Council.

2.10 Member Officer Protocol

In July 2016 the Committee considered reports that had been published in connection with two other councils which had raised concerns about, among other things, governance in those councils. In one case both councillors and officers were heavily criticised in terms of political interference in day-to-day management of some services, 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.

In the other case a public interest report by external auditors was published into a number of matters of concern at another council. These included failures of governance in the management of major projects and in relation to member conduct. In particular the report concluded 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.

The Acting Monitoring Officer undertook 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 could result in an erosion of ethical standards.

Such arrangements are typically set out in Member/Officer Relations Protocols and a Monitoring Officer Protocol. The Committee therefore requested officers to draft a Member/Officer Protocol and Monitoring Officer Protocol for its consideration. The Member Officer Protocol is in the final stages of drafting and will be considered by

the Committee at a future meeting. Full Council will also have an opportunity to approve the Protocol.

2.11 Recommendation

The Committee is recommended to

- (1) Approve the Annual Report of the Committee; and
- (2) recommend that Council notes the Annual Report and to consider whether there is any work within the Committee's terms of reference that Council would wish the Committee to undertake.

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

Not applicable.

5. Comments from Deputy Chief Executive, Place

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

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Suzanne Bennett	Governance Services Officer	Place	5.7.17	5.7.17
Names of approvers for submission: (officers and members)				
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Barry Hastie	Director of Finance and Corporate Services	Place	7.7.17	10.7.17
Barry Hastie on behalf of Martin Yardley	Executive Director Place	Place	7.7.17	10.7.17
Councillor Walsh	Chair of Ethics Committee		10.7.17	

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20 July 2017

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Deputy Chief Executive, Place

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; 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 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 has agreed that the Monitoring Officer will 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 where councils publish full details of their conduct hearings in public.

1.2.2 Councillor V: Driffield Town Council

This case concerned a number of complaints made by members of the public about Councillor V and her use of social media. It was alleged that the councillor had "liked" a number of extremely offensive posts on social media. In addition it was claimed that she had posted or replied to other posts which were also offensive and racist in nature. She used the title "Councillor" on her account.

An investigator concluded that by liking other people's posts Cllr V was associating herself with those views which were highly disrespectful and offensive to people of other faiths and ethnic backgrounds; her own posts were equally offensive. The Investigator concluded that Cllr V had failed to treat others with respect and had brought her office and authority into disrepute.

A hearing of the Standards Committee concluded that Cllr V had been in breach of the Code of Conduct and recommended to Driffield Town Council that:

- Councillor V submits a verbal public apology at a full meeting of Driffield Town Council; and
- training on social media be undertaken by all members of Driffield Town Council.

At a subsequent meeting of the Town Council, it agreed with the Standards Committee's recommendation with regards to Cllr V making a public apology, which she did. It did not however agree the recommendation that all Town Councillors should undertake social media training.

1.2.3 Councillor H: Hornsea Town Council

Two separate complaints were made by members of the public who attended the annual public meeting of Hornsea Town Council. The meeting became heated and it was alleged that Cllr H behaved in an ill-tempered and aggressive manner towards members of the public and made remarks which some felt were

inappropriate. Following an investigation, the Investigator concluded that Cllr H had behaved in a way which showed a lack of respect and brought his office and authority into disrepute.

Following a hearing the Standards Committee expressed its disappointment at Cllr H's failure to engage with the process which as a result had delayed the decision making process and had in itself shown a lack of respect towards the standards regime. The Committee decided that he had been in breach of the Code of Conduct. It recommended to Hornsea Town Council that Cllr H should make a public apology at a full Town Council meeting.

1.2.4 Councillor C: Pocklington Town Council

This was another case involving a town councillor's behaviour on social media which gave rise to a complaint by an East Riding of Yorkshire councillor who is a ward councillor for Pocklington. It was alleged that during the course of a series of Facebook posts with a member of the public, Cllr C's comments showed a lack of respect to the member of the public, they amounted to bullying and brought the councillor's office and authority into disrepute.

The investigation into the complaint concluded that while there was no evidence of bullying, the councillor had failed to treat the member of the public with respect and brought his office and authority into disrepute. The Standards Committee however, decided that Cllr C had been guilty of bullying as well as the two other breaches established by the Investigator. The Committee recommended to Pocklington Town Council that Cllr C submit a written apology to the member of the public, and that it makes available social media training for its members and also that it reminds them of the need to exercise due caution when using social media.

This case is interesting because the councillor sought to argue that his comments were not made in his official capacity as a councillor and his postings did not include his title as councillor. However, both the Investigator and the Standards Committee took the view that his status as a councillor was known to others commenting on the Facebook page and some of his comments would have led a reasonable person to believe that he was a councillor.

In addition Cllr C argued that the comments were made in the course of a robust debate, with the member of the public concerned being equally forthright in his views expressed. Nevertheless, the Investigator and the Committee took the view that there is a difference between a debate between rival elected members and between a councillor and a member of the public. In their view, individuals should not be subject to unreasonable or excessive personal attack and, so far as possible, members should treat the public courteously and with consideration.

1.3. The local picture

Complaints under the Code of Conduct

1.3.1 The Ethics Committee has 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. The complaints concerned:

- alleged bullying behaviour and misuse of position towards a member of the public during dispute. The Councillor was considered to be acting in his private capacity and therefore not caught by the Code;
- statements made during a Council meeting including comments made about the leader of the Council. Comments made about the Leader of the Council amounted to political speech. The statements made also contained a number of factual inaccuracies and could have amounted to disrespect towards a member of the public. The Acting Monitoring Officer met with the Councillor to re-set standards and re-iterate the importance of being factually correct when making statements;
- concerns raised by member of the public who chose not to pursue the complaint. These related to alleged involvement in a planning application and failure to declare a DPI. These concerns were still considered in accordance with Stage 1. The Council's procedures in respect of handling Planning Applications were not breached and there was no evidence that the Councillor had been involved in determination of the application. Evidence was provided as to the date that the DPI arose and recorded on register within 28 days.

1.3.3 The Committee conducted a hearing on 17 March 2017 into an allegation that a councillor had breached the Code of Conduct. The decision notice setting out the sanctions imposed was published on the Council's website.

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, Finham or Keresley Parish Councils.

Member Training

1.3.5 The nine councillors who were unable to attend any of the training sessions on the Code of Conduct in 2016 have been invited to attend extra sessions to be held on 3 and 24 July. These dates have been chosen specifically to fit in with the councillors' other commitments. While these sessions are intended primarily for those councillors who have not undertaken training in the last 4 years, all councillors have been invited to attend, if they wish, through an item in the Members' Weekly Bulletin.

1.3.6 In addition the two councillors who were recommended to undertake training as a result of Code of Conduct proceedings, have completed that training.

Appointment of Independent Persons

- 1.3.7 The Committee will be aware that the Council recently advertised for people who were interested in the voluntary position of Independent Person. Five applications were received. An interview panel was set up consisting of the Chair of Ethics Committee Cllr Seamus Walsh, Cllr Abdul Khan and Councillor John Blundell.
- 1.3.8 Four candidates were invited to interview on 18 April 2017 and the Panel decided to recommend the appointment of all four candidates: Steve Atkinson, Ann Barton, Ruth Wills and Peter Wiseman. While it had originally been intended to appoint up to three independent persons, the panel felt that each candidate had different qualities and skills which would benefit the Council in meeting its legal duty to uphold and promote high standards of ethical behaviour among elected and co-opted members. In addition, having a pool of independent persons will assist where an independent person has a conflict of interest in a particular matter and will make it easier for members to consult an independent person on aspects of ethical conduct.
- 1.3.9 On 18 May 2017, Annual Council confirmed the appointment of all four applicants as Independent Persons. The Monitoring Officer has arranged some training for the Independent Persons immediately following the meeting of the Ethics Committee.

2. Options considered and recommended proposal

Members of the Committee are asked to:

- (a) Note the cases determined under the new regime nationally and 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 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 Deputy Chief Executive, Place

- 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

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Names of approvers for submission: (officers and members)				
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Legal: Helen Lynch	Legal Services Manager (Place and Regulatory)	Place	23.6.17	27.6.17
Barry Hastie	Director of Finance and Corporate Services	Place	5.7.17	10.7.17
Barry Hastie on behalf of Martin Yardley	Executive Director Place	Place	5.7.17	10.7.17
Councillor Walsh	Chair of Ethics Committee		10.7.17	

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20 July 2017

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Deputy Chief Executive Place

Ward(s) affected:

None

Title:

Annual Review of the Register of Disclosable Pecuniary Interests

Is this a key decision?

No

Executive Summary:

In July 2016 the Committee received a report on the Register of Disclosable Pecuniary Interests (DPis) and the extent to which the online register was being updated by members and the frequency with which it has been viewed,. 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. 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. 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.
- 1.2 Since then, members of the public have been able to 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, 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 2 years and officers believe that it is working well.
- 2.2 All councillors are reminded each year after Annual Council to review and, if necessary, update their entries on the register, particularly as some councillors may need to declare new appointments or remove old ones. This year 14 councillors amended their registers following Annual Council. In addition all members attending the training in June and September 2016 and in July 2017 were given a copy of their declarations. This also prompted a number of members to update their forms. In the municipal year 2016/17, all councillors made at least one update, with 22 councillors making more than one update. Officers feel that this shows that they are actively keeping registers under review and updating as appropriate.
- 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 twelve months from May 2016 to April 2017. The registers were viewed a total of 9850 times in this period with an average of 895 views a month. This gave an average number of views per month for each councillor of 17. The number of views for each councillor varied significantly from 685, being the highest number of views over 12 months to 120, 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 table below gives a comparison between the number of times the registers were viewed from its inception in June 2015 to April 2017. Members should bear in mind that the figures for 2015/16 only cover 11 months. Nevertheless there has been a significant and across the board increase in the number of views of all councillors’ registers.

	June 2015 to April 2016 (11 months)	May 2016 to April 2017
--	-------------------------------------	------------------------

Total number of views	5139	9850
Average number of views per month	467	895
Average number of views per month per councillor	9	17
Highest number of views for a single councillor	551	685
Lowest number of views for a single councillor over whole of period	41	120

2.5 The Committee is asked to consider how it wishes to review declarations of disclosable 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 Deputy Chief Executive, Place

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 DPIs 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

Directorate: Resources

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Enquiries should be directed to the above person.

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Names of approvers for submission: (officers and members)				
Finance: Kathryn Sutherland	Finance	Place	5.7.17	7.7.17
Helen Lynch	Legal Services Manager (Place and Regulatory)	Place	23.6.17	27.6.17
Adrian West	Member and Elections Team Manager	Place	23.6.17	30.6.17
Barry Hastie	Director of Finance and Corporate Resources	Place	5.7.17	10.7.17
Barry Hastie on behalf of Martin Yardley	Deputy Chief Executive Place	Place	5.7.17	10.7.17
Members: Councillor Walsh	Chair, Ethics Committee	Elected Member	10.7.17	

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20 July 2017

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Deputy Chief Executive, Place

Ward(s) affected:

Not applicable

Title:

Work Programme for the Ethics Committee 2017/18

Is this a key decision?

No

Executive Summary:

This report summarises the agreed programme of work for the Ethics Committee for the Municipal Year 2017/18. The Committee is asked to consider the approved 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 2017/18

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, 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 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 First there continues 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 the Ethics Committee will continue to review declarations of Gifts and Hospitality by both officers and members at six monthly intervals. This will assist the Committee in reviewing how the two Codes of Conduct are working a day to day basis.
- 2.3 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. Separate items have been included concerning the production of a Member Officer Protocol and a Monitoring Officer Protocol.
- 2.4 The review of the Complaints Protocol has been removed from the work programme as it was considered and approved by the Committee at its last meeting in March 2017. The Review of the Register of DPs has been altered from a six monthly review to an annual review as it is felt that the longer period between reports gives a clearer picture of trends than a shorter timescale. Responsibility for production of reports for the September meeting onwards has been moved from the Acting Monitoring Officer to the current Deputy Monitoring Officer.
- 2.5 Finally, the Committee has decided to produce an annual report on its activities during the previous municipal year. It was agreed that the annual report be considered by the Committee at its first meeting of the year with a view to it being considered at the first available Council meeting. The report will help to highlight the work of the Committee and ensure that ethical standards have a high profile within the Council.

Recommendation

- 2.6 The Ethics Committee is recommended 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 Deputy Chief Executive, Place

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

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Barry Hastie on behalf of Martin Yardley	Executive Director Place	Place	5.7.17	10.7.17
Cllr Walsh	Chair: Ethics Committee		10.7.17	

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Appendix 1

Work Programme for the Municipal year 2017/2018

Meeting no. and date	Topics	Verbal or written	Lead officer
2017/18			
1. July 2017			
	Monitoring Officer/Code of Conduct/ Members Complaints Update.	Written	Helen Lynch
	Annual Report of the Committee	Written	Helen Lynch
	Annual review of Register of DPIs.	Written	Helen Lynch
	Work Programme	Written	Helen Lynch
2. September 2017			
	Monitoring Officer/Code of Conduct/ Members Complaints Update.	Written	Julie Newman
	Officers Gifts and Hospitality - Inspection of Registers for first 6 months of 2017.	Written	Julie Newman
	Members Gifts and Hospitality - Inspection of Registers for first 6 months of 2017.	Written	Julie Newman
	Member /Officer Protocol	Written	Julie Newman
	Work Programme	Written	Julie Newman
3. December 2017			
	Monitoring Officer/Code of Conduct/ Members Complaints Update.	Written	Julie Newman
	Standards in Public Life- update from national body usually published in August each year.	Written	Julie Newman
	Annual review of Parish Councils ethical standards regime.	Written	Julie Newman
	Monitoring Officer Protocol	Written	Julie Newman
	Work Programme	Written	Julie Newman
4. March 2018			
	Monitoring Officer/Code of Conduct/ Members Complaints Update.	Written	Julie Newman

	Officers Gifts and Hospitality - Inspection of Registers for last 6 months of 2017.	Written	Julie Newman
	Members Gifts and Hospitality - Inspection of Registers for last 6 months of 2017.	Written	Julie Newman
	Work Programme	Written	Julie Newman

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