



Ethics Committee

Time and Date

10.00 am on Thursday, 14th December, 2017

Place

Committee Room 3 - Council House, Coventry CV1 5RR

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 6)
 - a) To agree the minutes of the meeting held on 14 September, 2017
 - b) Matters Arising
4. **Code of Conduct Update** (Pages 7 - 20)
Report of the Deputy Chief Executive (Place)
5. **Committee on Standards in Public Life: Annual Report for 2016-17**
(Pages 21 - 30)
Report of the Deputy Chief Executive (Place)
6. **Review of Ethical Standards in Parish Councils** (Pages 31 - 38)
Report of the Deputy Chief Executive (Place)
7. **Work Programme for the Ethics Committee 2017-18** (Pages 39 - 44)
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, Executive Director, Place, Council House Coventry

Wednesday, 6 December 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)

Nominated Substitute Members: Councillors R Bailey and M Mutton

Independent Persons: S Atkinson, A Barton, K Mulhall, R Wills and 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

Telephone: (024) 7683 3072

Email: Suzanne.bennett@coventry.gov.uk

Coventry City Council
Minutes of the Meeting of Ethics Committee held at 10.00 am on Thursday, 14
September 2017

Present:

Members: Councillor S Walsh (Chair)
 Councillor L Bigham
 Councillor M Mutton (Named Substitute for Councillor D
 Gannon)
 Councillor K Mulhall

Other Members present:

Councillor D Skinner (On behalf of the Conservative Group)
Councillor G Williams

Independent Persons: S Atkinson
 A Barton
 R Wills

Employees (by Directorate):

Place S. Bennett, C Bradford, S Harriott, J Newman

Apologies: Councillors A Andrews, R Bailey and D Gannon

Public Business

11. Declarations of Interest

There were no declarations of interest.

12. Minutes

The Minutes of the meeting held on 20 July, 2017 were agreed and signed as a true record.

There were no matters arising.

13. Draft Member/Officer Protocol and Draft Monitoring Officer Protocol

The Committee considered a report of the Deputy Chief Executive (Place) appended to which was a draft Member/Officer Protocol for consideration. The Committee noted that the draft Monitoring Officer Protocol would be submitted for consideration at a future meeting.

The report indicated that the Protocol was beneficial for both Members and Officers as it set out for them what was expected in their respective roles, together with what they can expect from each other. While experienced Councillors and Officers may understand and appreciate the different roles that they have, newly elected Members and recently appointed employees may find it helpful to have these roles explained in some detail. Understanding what is, and is not, expected

of each other can assist in maintaining and improving excellent Member/Officer working relationships.

The draft Protocol has been drafted both to reflect current practices within the Council and best practice in other local authorities. It offers guidance on some of the issues which most commonly arise in relation to Member/Officer relationships. It is partly a statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. In particular, it covers the behaviour that is expected between Members and Officers. The protocol gives guidance only, but it may be taken into account if there is a complaint about a Member or an Officer.

The draft Protocol contains more detailed guidance on matters such as:-

- Complaints
- Member enquiries
- Information and advice
- Member briefings
- Support services

RESOLVED that the Committee:-

- 1) **Supports and agrees the draft Protocol as appended to the report**
- 2) **Recommends that the Constitutional Advisory Panel approves the Member/Officer Protocol and that it then recommends to the Cabinet Member for Policing and Equalities and Council that they agree to the Protocol being included in the Constitution.**

14. **Six Monthly Review of Members' Declarations of 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 17 March, 2017.

RESOLVED that the entries contained in the Registers of Members' Gifts and Hospitality from 1 March to 31 August, 2017 be noted.

15. **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 January to 30 June, 2017.

RESOLVED that the entries contained in the Register of Officers' Gifts and Hospitality for the period 1 January to 30 June, 2017 be noted.

16. **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 regard to Code of conduct issues.

The Committee discussed three cases from different Councils and noted the outcome for each.

In terms of the local picture, the Committee noted that four new complaints had been received since the last Committee meeting in March, 2017 and that these were being dealt with at Stage 1 by the 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.

The Committee also noted that there were two Councillors who have not attended Code of Conduct training within the last three years as required and that the Monitoring Officer would be arranging training for those Councillors in a format to suit them.

RESOLVED that the Committee:-

- 1) Notes the cases determined under the standards regime nationally and request that the Monitoring Officer following consultation with the Chair of the Ethics Committee, shares the case updates with all Elected Members and;**
- 2) Notes the local position relating to the operation of the Council's Code of Conduct and delegates any actions arising from these to the Monitoring Officer, following consultation with the Chair of the Ethics Committee.**
- 3) Notes that the Monitoring Officer will be writing to the two Councillors who have not undertaken Code of Conduct training to arrange training sessions for them.**

17. Work Programme for the Ethics Committee

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.

RESOLVED that approval be given to the proposed Work Programme for Ethics Committee for 2017/8 as appended to the report.

18. Any Other Items of Urgent Public Business

There were no other items of urgent public business.

(Meeting closed at 10.30am)

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14 December 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, 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, in consultation with the Chair of the Ethics Committee.

List of Appendices included:

Appendix A: LGA Response to Consultation on Government Proposals to Extend Criteria for Disqualification from Office

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 details of their conduct hearings in public.

1.2.2 Councillor B: Tendring District Council

This case concerned an incident at an air show that was organised by the district council. A councillor was acting as a steward at the air show and became involved in an altercation with a member of the public who she considered had been driving dangerously. This resulted in her slapping the member of the public who she claimed had sworn at her and punched her. This was denied by the member of the public. She was subsequently convicted of assault but given an absolute discharge. The member of the public was not prosecuted but made a complaint under the Code of Conduct along with another member of the public.

The Standards Committee concluded that Cllr B had breached the Code of Conduct by:

- Bringing her office and the Council into disrepute; and
- Failing to comply with and observe the law

The sanctions imposed included:

- Reporting its findings to Council for information
- Recommending that Cllr B be removed from any committees for one month
- Training on the Code of Conduct

1.2.3 Councillor Br: Torridge District Council

Cllr Br was a member of the Community and Resources Committee, the main decision-making body of the Council. He was the subject of a complaint that he had disclosed information to the press which had been considered at a meeting of the

Committee when it was in private session. Cllr Br had seconded the motion to go into private session but had released confidential information to the press soon after the meeting had finished without consent.

The Standards Committee decided that Cllr Br had breached the Code of Conduct by:

- Disclosing confidential information when not permitted to do so; and
- Failing to have regard to relevant advice provided by council officers

The Committee decided to:

- Censure the councillor
- Report its findings to full Council
- Recommend that Cllr Br be removed from the Standards Committee

An interesting point about this point is that Cllr Br was a member of the “non-aligned” group. This was apparently not a political group as such but a loose grouping of several councillors. Cllr Br remained a member of the Standards Committee for at least the next meeting of the committee where it was reported that he had not been removed. He does not now appear to be a member of the Standards Committee but is still a member of the committee whose confidential information he was alleged to have disclosed.

1.2.4 Councillor C: Pendle Borough Council

This case arose from a complaint by two councillors that another councillor had posted on her Facebook page a joke which was both racist and highly offensive. It was alleged that the post was picked up local, regional and national press, bringing the Council into disrepute. One councillor was approached by members of the public complaining about the posting which was shared on Cllr C’s Facebook page. Three further complaints were made by members of the public to the Council.

The post appeared on Cllr C’s Facebook having been posted originally by someone else. It remained there at least overnight and was seen by a number of Facebook users who reacted angrily to it. Cllr C later deleted her Facebook account and made a written apology in a local newspaper. She said that she had been trying to delete the post when she accidentally shared it. She was suspended from her party group.

A Hearings Panel decided that the Councillor had breached the Code of Conduct by failing to treat people with respect and failing to meet the high standards of leadership and example expected of councillors. The Councillor was criticised for not ensuring that she was able to use social media competently.

The Hearings Panel decided, amongst other things, to recommend that full Council censure the councillor and that she be removed from all but one committee for 12 months and social media training.

1.2.5 Sandwell Council: An Update

Committee members will recall that the Monitoring Officer has previously reported on a public interest report issued by Sandwell Council. That report, amongst other things, concluded that there was a case of wrongdoing by some councillors to be answered. The report and the “pre-formal” investigation which informed it, were placed in the public domain. Legal proceedings by one councillor, Cllr Hussain to prevent publication were unsuccessful.

The Council was proposing to carry out a formal investigation under the Localism Act into the allegations against Cllr Hussain who sought judicial review of the High Court’s decision to refuse to prevent publication of the report and appealed against the court’s declaration that publication of the report was lawful. These proceedings delayed the formal Code of Conduct investigation.

The Court rejected all of the Councillor’s claims which included:

- The power of the Council to conduct both formal and informal investigations
- The publication of the report and investigation, including claims that the investigation was biased, that there was no power to investigate misconduct before the Localism Act came into force and that the investigation was oppressive
- That the investigating officer had predetermined the outcome; and
- That the publication was unlawful under the European Convention on Human Rights and the Data Protection Act 1998.

The judge decided that there was a serious prima facie case against the Councillor which should be investigated under the Localism Act. The publication of the earlier report and investigation was fair and lawful in all the circumstances. He said that the “Council had a legitimate interest in openness and transparency and in securing financial probity in publishing the documents in question.” He also said that the public and press “had a strong interest, also based upon openness and accountability, in knowing what steps the Council was taking to investigate the alleged wrongdoing and potentially serious misuse of public assets and funds”.

1.2.4 Government Proposals to Extend Criteria for Disqualification from Office

The Department for Communities and Local Government has issued a consultation regarding expanding the disqualification criteria for local councillors.

The standards and ethics legislation no longer permits the suspension or disqualification of councillors as a consequence of a finding that the Code of Conduct has been breached. However, a councillor can be disqualified from holding office by court order upon conviction for breaching the Disclosable Pecuniary Interests provisions.

In addition, persons are disqualified from being a councillor if they:

- have been sentenced to prison for three months or more (including suspended sentences) during the last five years
- have been convicted of a corrupt or illegal practice by an election court
- are the subject of a bankruptcy restrictions order or interim order.

The Government is proposing to widen the disqualifications to cover sex offenders and certain anti-social behaviour, namely:

(a) Sexual Offences

The Government is considering whether anyone subject to sex offender notification requirements (i.e. on the sex offenders' register) should be barred from standing for election or holding office as a local authority member. The notification requirements accompany cautions and convictions for criminal offences, as well as civil orders. The notification period (and therefore the proposed disqualification) varies depending on the outcome - e.g. 2 years when a person has received a caution for a sex offence, for prison sentences of 6-30 months the notification period is 10 years, and indefinite for prison sentences beyond 30 months. Civil Orders such as Sexual Harm Prevention Orders are accompanied by a notification period of a minimum of 5 years.

(b) Anti-Social Behaviour

Of the range of anti-social behaviour powers held by the courts, police, councils and social landlords, only the 2 court-issued orders are proposed to act as a disqualification for holding office. Any person issued with a Civil Injunction or a Criminal Behaviour Order would be barred from running for election or holding office for the duration of the order. The Criminal Behaviour Order is issued by a criminal court upon conviction of a criminal offence and will last for a minimum of 2 years. A Civil Injunction is a civil order with a lower burden of proof, the term of the order can be for either a fixed or an indefinite period.

(c) No Retrospective application

The proposed changes would not apply to any sitting councillors subject to sex

offender notification requirements, civil injunctions or criminal behaviour orders, although councillors would be prohibited from running for re-election if these orders remained in force at the next election.

Comments

The Committee will see that the proposed changes represent a significant departure from the current legislation on disqualification of local councillors, by extending disqualification to some non-custodial criminal sentences, cautions and civil orders (as well as criminal convictions resulting in prison sentences of 3 months or more).

Members may wish to note that the proposals would, for instance, disqualify someone subject to a civil anti-social behaviour injunction but not (other than sex offenders) in general those convicted of criminal offences (even if imprisoned for just under 3 months) who would remain free to stand or continue as a member.

The consultation is silent on whether the Government intends to reinstate any suspension/disqualification powers in relation to breaches of the Members' Code of Conduct.

The Local Government Association has recently issued its response to the consultation and this is attached as an Appendix to this report for members' 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 four new complaints since the date of the last Committee meeting. These are:

- A complaint by a member of the public that two councillors failed to deal with their correspondence. This is being dealt with at Stage 1 of the Complaints Protocol.
- A complaint by a member of the public that a councillor failed to treat them with respect. This is being dealt with at Stage 1 of the Complaints Protocol.
- A complaint by a member of the public that another councillor had failed to treat them with respect. This is being dealt with at Stage 1 of the Complaints Protocol

- A complaint by an employee about the behaviour of a councillor. This is being dealt with at Stage 1 of the Complaints Protocol

The Monitoring Officer will update the Committee at the meeting on the latest position on each of these cases.

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.

Member Training

1.3.4 Both councillors who were required to undertake Code of Conduct training attended a final session on 6 November. The Monitoring Officer will be making arrangements to offer further training in 2018 to other councillors who will need to attend a course along with newly elected councillors.

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 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 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

Report author(s): Carol Bradford

Name and job title: Carol Bradford, Corporate Governance Lawyer, Regulatory Team, Legal Services

Directorate: Place

Tel and email contact: 02476 833976 carol.bradford@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Place	20.11.17	
Names of approvers for submission: (officers and members)				
Finance: Graham Clark		Place	21.11.17	21.11.17
Legal: Julie Newman	Legal Services Manager	Place	20.11.17	20.11.17
Barry Hastie	Director of Finance and Corporate Services	Place	21.11.17	21.11.17
Martin Yardley	Deputy Chief Executive Place	Place	21.11.17	23.11.17
Councillor Walsh	Chair of Ethics Committee		24.11.17	1.12.17

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

LGA submission to the consultation on disqualification criteria for councillors and mayors

November 2017



About the Local Government Association

The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government. We are a politically-led, cross-party organisation, which works on behalf of councils to ensure local government has a strong, credible voice with national government.

We aim to influence and set the political agenda on issues that matter most to councils so they are able to deliver local solutions to national problems. The LGA covers every part of England and Wales, supporting local government as the most efficient and accountable part of the public sector.

Key messages

The LGA supports the objective of ensuring the highest standards of integrity and conduct among local councillors and mayors. As the representative organisation for local government, the LGA works with member organisations and councillors to promote conduct and leadership that is in line with the seven principles of standards in public life.

We are therefore supportive of the intention to take measures that help prevent public confidence in elected officials from being undermined. However, any new measures should apply equally to all elected representatives as well as to Members of the House of Lords.

It is not clear why the proposals in the consultation apply only to local councillors as the Government provides no rationale for this. If Government believes that it is in principle unacceptable for individuals on the sex offenders register, or who are subject to an anti-social behaviour order issued by a court, to hold elected office, then this should apply equally to Police and Crime Commissioners, Parliamentary candidates and Members of both Houses of Parliament, as well as to councillors. Conversely, if Government believes that there are particular reasons or risks pertaining to local councillors which do not apply more widely, it should say what these are. Uneven standards are unjustifiable and risk damaging the reputation of Parliament

Councillors are already subject to more stringent disqualification criteria than Members of Parliament. Individuals who have received a prison sentence of three months or more in the five year period before the election are barred from standing as a councillor, or must stand down if convicted after their election. The equivalent provision barring an individual from standing for or sitting in Parliament applies if they are subject to a current conviction to be imprisoned for more than a year.

Disqualification standards should be the same for **all** elected officials, and – despite our support for some of the measures in this consultation – we do not

Submission

support the creation of further discrepancies in the regimes applying to local and national politicians.

In terms of the proposals themselves, freedom of expression and the right to take part in our elections are a fundamental part of the democratic values that our country holds dear. The need to maintain public confidence in elected officials must be balanced with the need to avoid measures which are unjustifiably restrictive or could be open to abuse.

While we are supportive of some of the measures in the consultation (specifically the proposal to disbar individuals on the sex offenders register) we are concerned at the lack of information put forward to support the wider proposals. Removing the rights of individuals to participate in our democratic process requires more justification than Government has provided in its consultation document.

In particular, we do not believe that Government has provided sufficient justification for disqualification of individuals who are subject to an anti-social behaviour sanction that has been issued by a court.

There are many different types of anti-social behaviour. The broad categorisation and approach proposed here risks including individuals or councillors who may have been involved in what many people would see as legitimate protests, rather than the type of anti-social behaviour that blights lives, which is the limited basis Government has cited. We are extremely concerned that this measure could be open to abuse and therefore do not support it.

Further detail

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?

The LGA recognises that the inability to require individuals who have been placed on the sex offenders register to stand down from their local elected office has undermined public confidence in local government. The conduct of a person whose behaviour has caused them to be placed on the register clearly falls unacceptably short of the standards required of our elected representatives; additionally an individual's continued presence in a public facing role could present a safeguarding risk.

We therefore support the proposal that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 should be prohibited from standing for election, or holding office as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor.

However, this disqualification criteria should also apply to Police and Crime Commissioners, Parliamentary candidates and Members of both Houses of Parliament.

In regard to individuals who are subject to a sexual risk order, we disagree that

people subject to an order should not be disqualified. Individuals who are subject to a sexual risk order should also be disqualified from seeking or holding office, on the basis that they could also pose a safeguarding risk and undermine public confidence. However, again we reiterate that this disqualification should be applied to Police and Crime Commissioners, Parliamentary candidates and Members of both Houses of Parliament.

Q3. *Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?*

Q4. *Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?*

The LGA does not support this proposal. We do not think that there should be blanket disqualification criteria applying to any individual subject to a civil injunction or criminal behaviour order.

We believe that there is a clear risk that individuals who have been involved in persistent but non-violent protest (particularly in the environmental space) could be subject to these measures, thereby preventing them from seeking or holding elected office despite the fact they may have been protesting a cause that has significant local support. This would in itself be a serious infringement of local democratic processes, but we are further concerned that the criteria could be abused by political opponents seeking to have these sanctions imposed where is disagreement on local issues.

It is possible that there are some specific categories of anti-social behaviour – such as hate crime – for which there may be justification for excluding individuals found guilty of them from the democratic process. But again, we believe that Government has failed to provide a strong enough rationale or sufficiently describe what the issue is that it is trying to address, with the result that the proposal is far too wide ranging and not one that the LGA can support.

Q5. *Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?*

It is not clear to us why the proposals in this consultation should have an impact on local authorities discharging their public sector equality duties; or that it should be a consideration if they did. Either the proposals are justifiable in themselves, or they aren't.

Q6. *Do you have any further views about the proposals set out in this consultation paper?*

As set out above, we are unsure of the rationale for applying this criteria only to individuals standing for election, or holding office as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor.

Any new disqualification criteria arising from this consultation should be applied equally to Police and Crime Commissioners, Parliamentary candidates and

Members of both Houses of Parliament. The already unequal level playing field applying at local and national level should not be distorted any further.

We would also welcome clarity on how any changes to disqualification criteria would be enforced, and specifically how individuals who are on the sex offenders register or subject to a sexual risk order would be identified, recognising that there is no power for councils to impose a DBS check on individuals standing for election.



14 December 2017

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Deputy Chief Executive (Place)

Ward(s) affected:

None

Title:

Committee on Standards in Public Life: Annual Report for 2016-17

Is this a key decision?

No

Executive Summary:

This report is to outline the matters raised in the Annual Report for 2016-2017 of the Committee on Standards in Public Life and to inform the Ethics Committee of relevant matters of concern in their work area on a national level.

Recommendations:

The Ethics Committee is recommended to

- (1) note the content of the report and consider any points upon which it may wish to take action; and
- (2) request the Acting Monitoring Officer to continue to monitor the national picture as regards standards and report back on any issue which may be of relevance to the Council on a local level including the proposed review of local authority standards by the Committee for Standards in Public Life.

List of Appendices included:

None

Other useful background papers:

Setting the Standard: The Committee on Standards in Public Life's Strategic Plan. Annual Report 2016-17 and Forward Plan 2107-18; link below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/626271/Setting_the_Standard_-_Strategic_Plan_Annual_Report_2016-17_Forum_Plan_2017-18.pdf

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Committee on Standards in Public Life: Annual Report 2016-17

1. Context (or background)

1.1 The Committee on Standards in Public Life ('the CSPL') was set up in 1995. It monitors, reports and makes recommendations on all issues relating to standards in public life. This includes not only the standards of conduct of holders of public office, but all those involved in the delivery of public services. Its purpose is to help promote and maintain ethical standards in public life and thereby to protect the public interest through:

- monitoring standards issues and risks across the United Kingdom (by invitation in the devolved areas);
- conducting inquiries and reviews and making practical and proportional recommendations that are generally implemented;
- researching public perceptions on standards issues relating to specific areas of concern, and also over time.

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

1.2 Whilst it is a national body, having an overarching concern about public standards, its views and recommendations can be taken in account by local government and other organisations delivering public services when designing, implementing and monitoring their own ethical standards regime. The CSPL has undertaken and been involved in 3 key pieces of work in their financial year 2016-2017 (to which this report relates):

- Publication of a report entitled *Striking the Balance: Upholding the Seven Principles of Public Life in Regulation*
- The conduct of referendums
- MPs' outside interests

The CSPL has also published its Forward Plan for 2017/18.

1.3 This report gives a very brief overview of the main areas of work of the CSPL as well as setting out those matters raised in the Annual Report 2015-2016 ('the Annual Report') which relate specifically to local government standards.

2 Options considered and recommended proposal

2.1 *Striking the Balance: Upholding the Seven Principles of Public Life in Regulation*

2.1.1 The CSPL carried out a review of how the Seven Principles of Public Life are being upheld in organisations which regulate a range of sectors and professions in the United Kingdom. The final report was published in September 2016.

2.1.2 The review reflects the CSPL's fundamental belief that a regulatory body should conduct itself in ways which are – and are seen to be – ethically acceptable. There is huge disparity between regulators, both in terms of size, statutory powers and

governance as well as standards of practice. All, however, need to maintain their integrity through independence, both from government and those they regulate.

2.1.3 The CSPL made a number of recommendations for best practice in six key areas. Set out below are a selection of the recommendations. The full set of recommendations can be viewed at paragraphs 9 to 30 of the report.

- Corporate governance arrangements should minimise the risk of conflicts of interest and individuals acting for private gain
- At least one code of conduct should cover all personnel. This includes executive and non-executive board members, employees, secondees, consultants, and contractors
- Policies and procedures should be in place to manage ‘revolving door’ situations where individuals come from, or go to, the regulated sector. These should apply to all individuals at any level of the organisation
- The operational independence of regulators must be upheld. Ministerial guidance on operational aspects may be transparently considered, but should not be treated as binding, unless there are statutory provisions for such guidance.
- Unless expressly authorised in the statutory foundation of the regulator, ministers should not have the power to hire or fire the Chief Executive or any other operational staff.

In spring 2017, the Committee issued a follow up survey to all regulatory bodies to see how their report had been used by regulators, and to see if there has been any progress within regulatory bodies in line with the report’s recommendations. It will report on the findings from this survey in late 2017.

2.2 *The Conduct of Referendums*

There have been four referendums in the last five years. These have tested the legislative framework for referendums put in place in 2000. The Committee has maintained an interest in the conduct and operation of referendums. After the 2016 referendum on the UK’s membership of the EU, members of the public wrote to the Committee to express their concern about how the referendum was conducted. In November 2016, the Committee held a joint seminar with University College London’s Constitution Unit on the impact of referendums in the UK.

The Committee invited individuals from a range of disciplines and positions to a broad discussion around the themes of:

- What are the problems?
- How are referendums in the UK conducted?
- Can we draw lessons from elsewhere?
- What ideas are worth pursuing in the future?

A transcript of the seminar was published along with a working paper online. Following on from this seminar, the Committee has been involved in regular meetings with relevant regulatory bodies and broadcasting representatives to discuss how referendums can be conducted in a way in which fosters public trust. It will continue to engage in this issue in the year ahead.

2.3 MPs' Outside Interests

2.3.1 After maintaining a watching brief on matters surrounding parliamentary standards for many years, in March 2017 the Committee launched a short review on the subject of MPs' outside interests. The Committee decided to make a further submission on 'reasonable limits' for outside interests to the Commons Committee on Standards, which holds responsibility for reviewing the Code of Conduct for MPs. It had previously given oral evidence to the Parliamentary Commissioner for Standards' review of the Code in March 2016.

2.3.2 In January 2017 the Committee followed this with a submission of written evidence, which included the recommendation that a rule should be introduced which states that outside employment should not conflict with responsibilities under the Code of Conduct. The work programme for this report was delayed by the 2017 General Election, and the pre-election period restrictions for public bodies.

2.4 Local Government Standards

2.4.1 The CSPL has maintained a watching brief on ethical standards in local authorities for a number of years and has been particularly concerned about the lack of effective sanctions under the current standards regime introduced in 2012. It regularly receives correspondence on the issue of ethical standards in local government, at both officer and elected member level. This correspondence includes, for example, calls for a national code of conduct, strengthened guidelines or sanctions or a power of recall.

2.4.2. The Committee has begun to engage with key stakeholders in identifying areas of concern to the Committee surrounding the conduct of elected and co-opted local authority members. In particular, one committee member has recently (15 November 2017) spoken at the National Association of Local Councils' annual conference and, among other things, has encouraged parish councils and individuals to participate in the review. It is actively conducting research and will undertake a review of local government standards in 2017/18. The review will be based around a consultation that will be launched in early 2018 when the Committee will also publish its terms of reference for the review. The Committee intends to submit its report sometime in late 2018.

2.4.3 The Acting Monitoring Officer will update the Committee on progress on this review in 2018.

2.5 Recommendations

The Ethics Committee is recommended to

- (1) note the content of the report and consider any points upon which it may wish to take action; and
- (2) request the Acting Monitoring Officer to continue to monitor the national picture as regards standards and report back on any issue which may be of relevance to the

Council on a local level including the proposed review of local authority standards by the Committee for Standards in Public Life.

3 Results of consultation undertaken

- 3.1 There has been no consultation as there is no proposal to implement at this stage which would require a consultation.

4. Timetable for implementing this decision

- 4.1 Not Applicable

5. Comments from 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
The Council's current standards regime complies fully with the Localism Act 2011. However, the implications of the Annual Report are that the Ethics Committee may wish to continue to monitor how the review into local government standards progresses.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report, but the Ethics Committee may wish to consider the wider impact of the damage to public confidence in the elected membership of the Council if the ethical standards framework is not perceived as transparent and effective.

6.3 What is the impact on the organisation?

There is no immediate impact on the organisation.

6.4 Equalities / EIA

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

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

Report author(s): Carol Bradford

Name and job title: Corporate Governance Lawyer, Regulatory Team, Legal Services

Directorate: Place

Tel and email contact: 024 7683 3976 carol.bradford@coventry.gov.uk

Enquiries should be directed to the above person.

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Martin Yardley	Deputy Chief Executive, Place	Place	21.11.17	23.11.17
Cllr Walsh	Chair, Ethics Committee		24.11.17	1.12.17

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Ethics Committee

14 December 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: Review of Ethical Standards in Parish Councils

Is this a key decision?

No

Executive Summary:

The Committee's work programme includes a report on the operation of the ethical standards regime in parish councils within the city. The Committee last considered this topic in December 2016.

In 2016, the Acting Monitoring Officer contacted the Clerks to all three parish councils and asked them to provide information about how ethical standards are maintained within the parish councils. The information provided was summarised in the report to this Committee in December 2016.

The Committee is asked to note that the Acting Monitoring Officer, and the City Council, has a limited role in the operation of Parish Councils. That role is limited to maintaining and publishing the register of interests for parish councillors and dealing with complaints about parish councillors under their Code of Conduct.

The Committee is asked to note the current provision with regard to ethical standards in the parish councils and consider whether it wishes to undertake further work on this topic. In addition it is recommended that the Acting Monitoring Officer be requested to offer suggestions to parish clerks on where their good practice on ethical standards might be further improved.

Recommendations:

- (1) The Ethics Committee is recommended to consider the report and decide whether any further work on this topic should be undertaken; and
- (2) The Acting Monitoring Officer be requested to offer any suggestions to the parish clerks on where their good practice on ethical standards might be further improved.

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 Ethical Standards in Parish Councils

1. Context (or background)

- 1.1 The Committee’s work plan for 2017/18 includes an item to review the operation of ethical standards in parish councils in the City Council’s area. The Committee last considered this matter in December 2016.
- 1.2 This report sets out some background information about parish councils nationally and then gives some general information about the three parish councils in Coventry. The final section gives more detailed information about how ethical standards, openness and transparency are maintained within the three councils. However it is fair to say that little, if anything, has changed with regard the governance of parish councils since the last time the Committee considered this issue.

2. Options considered and recommended proposal

2.1 Status and Functions of Parish Councils

- 2.1.1 Parish councils are the most local tier of elected local government. The size of parishes, their electorates and spending power vary from one council to the next. Parish councils can adopt one of a number of different ‘styles’ such as ‘village’, ‘town’, ‘neighbourhood’ or ‘community’ council but they remain as parish councils and the style adopted has no effect on the status or legal powers available to the council. Much of the workings of parish councils is still governed by the Local Government Act 1972.
- 2.1.2 There are around 9,500 parish councils in England but these only cover about 30% of the population and are mainly found in rural areas. However, following changes in the legal mechanism for establishing parish councils, there has been a growth in parish councils being created in urban and suburban areas. Finham is one such parish council, its first councillors being elected in May 2016.
- 2.1.3 Parish councils may raise a ‘precept’ on the council tax bills produced by their local billing authority (in our case, the City Council). This is essentially a demand for a sum to be collected through the council tax system. Council tax-payers cannot refuse to pay it, and the billing authority cannot refuse to levy it. It is the only source of tax revenue available to parish councils. Parish Councils may set allowances for their members but in practice it is understood that few do.

2.2 Parish Councils in Coventry

There are three parished areas within Coventry City: Allesley, Finham and Keresley. Each has a parish council which meet around 8 to 10 times a year. The table below sets out some information about the financial position and operation of the three parish councils.

	Allesley Parish Council	Finham Parish Council	Keresley Parish Council
Number of Seats on Council	8	10	7

Number of councillors (as at 20 November 2017)	7	10	7
Members' or chair's allowance paid?	Yes: Chair's allowance £50 per annum	No	No
Funding for 2017-18:	Precept 8,125 Grant <u>1,474</u> TOTAL <u>£9,599</u>	Precept 20,601 Grant <u>3,665</u> TOTAL <u>£24,266</u>	Precept 1,545 Grant <u>266</u> TOTAL <u>£1,811</u>
Precept charge per Band D property	£24.80 per annum	£13.81 per annum	£6.61 per annum

2.3 Operation of Ethical Standards in Parish Councils

2.3.1 The role of the Acting Monitoring Officer and of the City Council itself in the operation of parish councils is limited. The Acting Monitoring Officer is required to publish the register of interests of parish councillors and to deal with complaints about parish councillors under their code of conduct. In all other areas of ethical standards and governance the Acting Monitoring Officer, and the City Council, can only advise parish councils on good practice and cannot require them to take a particular course of action. How the parish council operates is a matter for the parish council.

Because the information provided by the parish clerks about their governance arrangements does not vary much from year to year, the Acting Monitoring Officer has conducted a table top exercise to check what information is available to the public on the parish council websites.

2.3.2 Adoption of Code of Conduct

All Parish Councils have adopted a Code of Conduct as required by the Localism Act 2011. Allesley Parish Council's code was adopted on 22nd October 2012 and is based on the National Association of Local Council's Model Code of Conduct. Finham and Keresley Parish Councils' codes are both based on the City Council's code and were adopted on 19th May 2016 and 25th September 2012 respectively and are published on their websites.

2.3.4 Completion and Review of Register of Disclosable Pecuniary Interests

All parish councillors have completed declarations in respect of their Disclosable Pecuniary Interests and any other interests that they are required to declare under their council's Code of Conduct. The Register of Interests for all three councils appears on the City Council's website and on the website of each parish council.

Finham Parish Council has a standing item on its agenda reminding councillors to keep their register under review and has indicated that forms will be reviewed annually. Keresley councillors review their declarations annually.

2.3.5 Declaration of Interests at Meetings

All three Parish Councils have a standing item on each agenda asking members to declare any interests. In the last 12 months, there have been one individual declaration of interest at a Finham Parish Council meetings and one at Keresley.

Requirement to leave room: The Localism Act only requires councillors with a Disclosable Pecuniary Interest in an item to refrain from participating in the discussion or voting on the matter. There is no requirement to leave the meeting room. However, the Act allows councils to include a provision in its Standing Orders excluding members with an interest from the room. Both Finham and Keresley have such a requirement in their standing orders.

2.3.6 *Standing Orders*

Standing Orders are a set of procedural rules that govern how meetings are run and the financial and contract procedures for parish councils. They are usually based on model standing orders. Publishing the Standing Orders of a parish council allows residents and others to see how the parish council operates and promotes transparency.

Both Finham and Keresley publish their Standing Orders on their website. Keresley last reviewed its standing orders at its annual meeting in May 2016 and may have done so again in 2017 but the minutes were not available on its website at the time of writing this report. Finham confirmed approval of its standing orders in July 2017.

2.3.7 *Publication of Meeting Dates, Agendas, Reports and Minutes on Website*

All three parish councils have a website. The extent to which the dates of meetings, agendas, reports and minutes are published on the website varies from council to council.

2.3.9 *Complaints about Parish Councillors*

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

Allesley does not have any information on their websites about how members of the public can complain about councillors, however Finham does have a copy of the City Council's Complaints Protocol which sets out how complaints will be dealt with and now has a short complaints procedure for dealing with complaints about the council and councillors. Keresley publishes its complaints procedure. All have information about how to get in touch with the parish council or clerk.

2.3.10 *Public Engagement with Parish Councils*

All three councils have an item at the beginning of the meeting where members of the public can speak on items of concern on the agenda. Finham has on average nine members of the attending meetings and Keresley around eight.

2.4 *Conclusions and Recommendations*

2.4.1 *Conclusions*

All three parish councils have good procedures in place to ensure that their councillors comply with their legal duties to register their statutory interests as well as prompts on agendas to remind them to declare them. All have websites which provide useful information for the public on the work of the parish councils although the completeness of

this information varies between councils. It should be remembered that parish clerks have limited resources available to them and there are not the same legal obligations on parish councils to publish documents such as agendas, reports and minutes on their websites as apply to the City Council. The minimum legal requirement is to give notice of a meeting in a conspicuous place in the parish and to allow minutes to be inspected. There is no legal requirement to publish documents on their websites.

All parish councils have a session at the start of each meeting to allow members of the public to speak on matters of concern which helps to promote good engagement with the community and an understanding of what the parish council does.

The Acting Monitoring Officer will continue to liaise with the parish councils' clerks on standards issues and queries as and when required.

2.4.2 Recommendations

The Committee is recommended to:

- (1) to consider the report and decide whether any further work on this topic should be undertaken; and
- (2) the Acting Monitoring Officer be requested to offer any suggestions to the parish clerks on where their good practice on ethical standards might be further improved.

3. Results of consultation undertaken

None as the report builds on consultation carried out in 2016.

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.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Not applicable.

6.2 How is risk being managed?

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

6.3 What is the impact on the organisation?

Any proposals arising from this report will help to promote high standards amongst elected members in accordance with the Localism Act.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author(s): Carol Bradford

Name and job title: Corporate Governance Lawyer, Regulatory Team, Legal Services

Directorate: Resources

Tel and email contact: 02476 833976 carol.bradford@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Place	20.11.17	
Names of approvers for submission: (officers and members)				
Finance: Graham Clark	Finance	Place	21.11.17	21.11.17
Julie Newman	Legal Services Manager, and Acting Monitoring Officer	Place	20.11.17	20.11.17
Barry Hastie	Director of Finance and Corporate Services	Place	21.11.17	21.11.17
Martin Yardley	Deputy Chief Executive Place	Place	21.11.17	23.11.17
Cllr Walsh	Chair Ethics Committee		24.11.17	1.12.17

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14 December
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 The Committee's approved work programme for the rest of the municipal year is attached at Appendix 1. The programme includes regular items as well as one standalone report on a proposed Monitoring Officer Protocol which was originally agreed to be considered at this meeting. With the agreement of the Chair, this has been moved to the March 2018 meeting. In addition, a further item has been added in connection with an ongoing officer review of the Code of Good Practice for Members and Employees Dealing with Planning Matters. Any changes to this Code will also be considered by the Planning Committee as well as going through the normal process for changes to the Constitution.
- 2.2 Finally, an item has been added to the March meeting of the Committee to consider any consultation on standards in local government which may be issued by the Committee on Standards in Public Life. Depending on when the consultation is published, and the timescales for responding, it may not be possible to bring any proposed responses to the Committee.
- 2.3 The Committee is asked to review the work programme and consider whether it would wish to receive reports on any other items of interest to the Committee and within its terms of reference.

Recommendation

- 2.3 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

Report author(s): Carol Bradford

Name and job title: Corporate Governance Lawyer, Regulatory Team, Legal Services

Directorate: Place

Tel and email contact: 024 7683 3976 carol.bradford@coventry.gov.uk

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Martin Yardley	Deputy Chief Executive Place	Place	21.11.17	23.11.17
Cllr Walsh	Chair: Ethics Committee		24.11.17	1.12.17

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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. 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
	Work Programme	Written	Julie Newman
2. March 2018			
	Monitoring Officer/Code of Conduct/ Members Complaints Update.	Written	Julie Newman
	Monitoring Officer Protocol	Written	Julie Newman
	Review of Standards in Local Government: CPSL consultation paper	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
	Review of the Code of Good Practice for Members and Employees Dealing with Planning Matters	Written	Julie Newman
	Work Programme	Written	Julie Newman