



Ethics Committee

Time and Date

10.00 am on Thursday, 10th January, 2019

Place

Committee Room 3, Council House, Coventry

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 18)
 - a) To agree the Minutes of the previous meeting held on 6 November, 2018
 - b) Any matters arising
4. **Code of Conduct Update** (Pages 19 - 28)

Report of the Director of Finance and Corporate Services
5. **Committee on Standards in Public Life - Annual Report for Members for 2017-18** (Pages 29 - 36)

Report of the Director of Finance and Corporate Services
6. **Review of Ethical Standards in Parish Councils** (Pages 37 - 44)

Report of the Director of Finance and Corporate Services
7. **Review of Guidance on Gifts and Hospitality for Members** (Pages 45 - 56)

Report of the Director of Finance and Corporate Services
8. **Review of Guidance on Declarations of Interest** (Pages 57 - 62)

Report of the Director of Finance and Corporate Services
9. **Work Programme for the Ethics Committee 2018-19** (Pages 63 - 68)

Report of the Director of Finance and Corporate Services
10. **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, 2 January 2019

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, S Atkinson (Independent Person), A Barton (Independent Person), L Bigham, D Gannon, J Mutton, S Walsh (Chair), R Wills (Independent Person) and P Wiseman (Independent Person)

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

Named Substitutes:- Councillor R Bailey and M Mutton

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

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Coventry City Council
Minutes of the Meeting of Ethics Committee held at 9.30 am on Tuesday, 6
November 2018

Present:

Members: Councillor L Bigham (Chair for the meeting from Minute 15 onwards)
Councillor A Andrews
Councillor D Gannon
Councillor A Andrews
Councillor L Bigham
Councillor D Gannon
Councillor J Mutton
Councillor M Mutton

Independent Persons S Atkinson
A Barton
R Wills (Chair for Minutes 14 and 15)
P Wiseman

Other Members: Councillor G Williams

Employees (by Directorate):

Place: C Bradford, J Newman, C Sinclair
People: S Chun Lam

Apologies: Councillor S Walsh

Public Business

11. Declarations of Interest

Cllr John Mutton and Cllr Mal Mutton declared an “other relevant interest” in Minute 15 (Hearing into complaint under Code of Conduct - Councillor W) by virtue of the hearing relating to a complaint by Cllr John Mutton. They did not participate in any discussion by or voting of the Committee. Cllr John Mutton participated in the hearing only in his capacity as the complainant in the matter under discussion.

12. Minutes

The Minutes of the meeting held on 26 July 2018 were signed as a true record. There were no matters arising.

13. Chair for Code of Conduct Hearings (Minutes 14 and 15 below)

Ruth Wills, Independent Person, took the Chair for consideration of the matters referred to in Minutes 14 and 15 below (Hearings into complaints under the Code of Conduct)

14. **Hearing into complaint under Code of Conduct - Councillor A**

The Ethics Committee considered a report of the Chief Executive which detailed a complaint made against Councillor R Ali (the "Subject Member"). The complainant alleged that the Subject Member had breached the Code of Conduct for Elected and Co-opted Members.

A formal complaint was made on 28 January that the Subject Member had failed to enter on his register of interests certain Disclosable Pecuniary Interests (DPIs) that he held.

A Stage One review of the complaint concluded that an Independent Investigator should be appointed to investigate the complaint. An Independent Investigator was duly appointed to carry out the investigation and he concluded that the Subject Member had breached four paragraphs of the Code of Conduct. The Subject Member accepted that he was in breach of two of the paragraphs, but denied a breach of the other two, the matter was therefore before the Ethics Committee for their deliberations and a decision as to whether the Subject Member had breached the Code of Conduct and if so, what sanctions should be applied.

The Committee considered the following:

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

The Committee then determined the complaint and concluded:

- That there had been breaches of paragraphs 3(h) and 5.1(a) of the Code of Conduct
- That there had been no breaches of paragraphs 2(f) and 3(J) 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 Notice attached as Appendix 1 to these Minutes.

15. **Hearing into complaint under Code of Conduct - Councillor W**

The Ethics Committee considered a report of the Chief Executive which detailed a complaint made against Councillor G Williams (the "Subject Member"). The complainant alleged that the Subject Member had breached the Code of Conduct for Elected Members and Co-opted Members.

A formal complaint was made on 5 March 2018 that a comment on social media by the Subject Member had breached the Code of Conduct for Elected Members.

A Stage 1 enquiry was undertaken by the Monitoring Officer. The matter was not able to be resolved by informal resolution and following comments by the Independent Person and a further review by an Independent Investigator, the matter was for consideration by the Ethics Committee to decide whether or not the Subject Member had breached the Code of Conduct for Elected Members and, if so, what sanctions should be applied.

The Committee considered the following:

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

The Committee then determined the complaint and concluded that the Subject Member had not breached the Code of Conduct for Members.

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

16. **Complaints to the Local Government and Social Care Ombudsman 2017/18**

The Committee noted a report of the Deputy Chief Executive, People, which set out the number, trends and outcomes of complaints to the Local Government and Social Care Ombudsman 2017/18 (LGSCO).

The LGSCO was the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It was a free service that investigated complaints in a fair and independent way and provided a means of redress to individuals for injustice caused by unfair treatment or service failure.

The City Council's Complaints Policy set out how individual members of the public can complain to the Council as well as how the Council handled compliments, comments and complaints. The Council informs individuals of their rights to contact the LGSCO if they are not happy with the Council's decision after they have exhausted the Council's own complaints process.

The LGSCO issued an annual letter to the Leader and Chief Executive of every Council summarising the number and trends of complaints dealt with. The latest letter covered complaints to this Council between April 2017 and March 2018 (2017/18) and was appended to the report together with the City Council's Complaints Handling Guidance and the LGSCO investigation decisions for 2017/18.

17. **Code of Conduct Update**

The Committee noted a report of the Director of Finance and Corporate Services which updated the Committee on national issues in relation to the ethical behaviour of elected members and the local position in respect of Code of Conduct issues.

18. **Six Monthly Review of Officers' Gifts and Hospitality**

The Committee noted the regular six-monthly update report of the Director of Finance and Corporate Services which set out the entries in the Register of Officers' Gifts and Hospitality.

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

The Committee noted the regular six-monthly update report of the Director of Finance and Corporate Services which set out details of declarations of gifts and hospitality made by members since 29 March 2018.

20. **Review of Guidance on Gifts and Hospitality for Members**

This matter was deferred to the next meeting of the Committee.

21. **Guidance on Declarations of Interests**

The Committee considered a report of the Director of Finance and Corporate Services which set out the guidance and information on registering and declaring interests currently available to members and made suggestions as to how this might be approved.

RESOLVED that the Committee delegate authority to the Monitoring Officer:

(a) To update and streamline the 'Frequently Asked Questions' section as set out in the report.

(b) To produce a step by step guide to declarations of interests

(c) To delete the hard copy of register of interests form and guidance notes from the Member information pages of the Intranet.

(d) To present the revised and new documents to a future meeting of the Committee for approval and to make any recommendations for changes that it considers appropriate.

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

The Committee noted the Work Programme.

23. **Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Vote of Thanks

The Committee conveyed their thanks to Ruth Wills, Independent Person, who had chaired the Meeting for the matters referred to in minutes 14 and 15 above.

(Meeting closed at 2.30 pm)

- (a) failed to declare any DPIs within 28 days of his election, in breach of Section 30(1) of the Localism Act 2011;
- (b) failed to declare all of his DPIs promptly;
- (c) declared many of his DPIs only after he had been specifically asked to do so by officers;
- (d) did not follow officers' advice to ensure that his register of interests was comprehensive; and
- (e) failed in any event to act promptly on that advice.

- 2.5 Mr Lewin did not accept any of Cllr Ali's explanations for his failures and concluded that Cllr Ali, as someone with wide-ranging private business interests, should have taken particular care to ensure that he was, and was seen to be, serving only the public interest.
- 2.6 Having reviewed Cllr Ali's register of attendance at Council meetings against his register of interests, Mr Lewin had found no evidence to suggest that he had participated in any Council business in which he had a DPI.
- 2.7 Mr Lewin did not accept that Cllr Ali was too busy to follow the rules on declaration of interests nor that he was required to first seek the agreement of his co-investors before disclosing his interests. He had access to advice and his duties to the public should have taken priority over his own private interests.
- 2.8 He did not consider that Cllr Ali had acted dishonestly in the sense that he deliberately sought to conceal his interests. Nor did he consider that Cllr Ali made any personal gain as a result of his failure to declare his interests promptly.
- 2.9 During his interview with Mr Lewin, Cllr Ali claimed that Cllr Mayer's complaint was politically motivated or was part of a personal vendetta. Mr Lewin found that Cllr Ali needlessly disparaged Cllr Mayer and his threats to "stamp on" him and to the "take him to the cleaners" were entirely uncalled for and amounted to a breach of Paragraph 3(j).
- 2.10 Cllr Ali accepted that there was a technical breach of Paragraphs 3(h) and 5.1(a) of the Code of the Code but did not agree with the Investigator's conclusions on the other two breaches.

E Hearing

- 3.1 The Ethics Committee consisted of:
- Cllr Allan Andrews
 - Cllr Linda Bigham
 - Cllr Damian Gannon
 - Cllr John Mutton
 - Cllr Mal Mutton

The hearing was chaired by Ruth Wills, one of the Council's Independent Persons. Ms Wills took no part in the Committee's discussions or the decisions that it reached with regard to whether there had been a breach or breaches of the Code or in its discussions or decision concerning the imposition of sanctions.

- 3.2 Cllr Ali attended the hearing.
- 3.3 Mr Matt Lewin, the Investigating Officer (IO), attended the hearing. Mr Lewin outlined his investigation and took the Committee through his report. He answered questions from both the Committee and from Cllr Ali
- 3.4 Cllr Ali referred to his written statement and in addition stressed that he had not participated in any Council business in which he had an interest. He had not benefited financially. Cllr Ali sincerely apologised for the delay in updating his DPI register and undertook to keep it up to date as required by the law. The comments that he had made about Cllr Mayer were made in haste and he apologised to anyone who had been offended by them.

F Consultation with Independent Person

- 4.1 The Independent Person, Mr Peter Wiseman, OBE, LLB gave his opinion on the complaint to the Committee. This can be summarised as follows:
- 4.2 It is surprising and regrettable that Cllr Ali is in this situation at all. He was newly elected in May 2016 but for over 20 years the Nolan Principles have required a high degree of trust from elected councillors. Mr Wiseman assumed that Cllr Ali was given a copy of the Code of Conduct when he was elected which he would have signed and training was offered.

Notwithstanding the training that he undertook and the many emails that he received about his interests, it was 2 ½ months* before he registered any DPIs at all (on 10 August*). Cllr Ali may have had a variety of reasons for this failure but he had access to advice from the Monitoring Officer with at least two meetings with her by the autumn of 2016 so he did not just receive correspondence about his interests. This should surely have alerted him to the necessity to sort out his DPIs.

At no point during the hearing did Cllr Ali suggest that he had been acquiring properties during the time that he kept making additions and changes to his declared interests, so it would appear that the DPIs existed at the time he was elected and were there to be disclosed at the outset.

The Nolan Principles and the Code of Conduct make it quite clear that integrity and honesty is expected of councillors and there is a good reason for this expectation. Therefore, although there was no dishonesty on Cllr Ali's part in terms of personal benefit, and he may have initially misunderstood the situation, nevertheless he was then careless in his approach and that comes down to honesty. If someone disregards their obligations to this extent, this has an impact on the work and the credibility of the Council. The fact that failure to declare DPIs on the register may be a criminal offence shows how seriously Parliament viewed the matter.

Mr Wiseman accepted that there can be misunderstandings about the law but what constitutes a DPI is clearly set out in the legislation. He found what happened here to be very odd indeed, especially as to why it took so long to disclose these interests.

**later corrected to read 6 June 2016*

F Findings

5.1 After considering the submissions of the parties to the hearing and the views of the Independent Person, the Committee reached the following decision(s):

5.2 ***On the question of whether Cllr Ali had breached Paragraph 2(f) of the Code of Conduct:***

The Committee found that Cllr Ali had not breached the requirement in Paragraph 2(f) to declare any private interests relating to his public interests and take steps to resolve any conflicts arising in a way that protects the public interests.

5.3 ***Whether Cllr Ali had breached Paragraph 3(h) of the Code of Conduct:***

The Committee found that Cllr Ali had breached this paragraph of the Code by failing to comply with his legal obligations, namely his obligation under Section 30(1) of the Localism Act to declare all of his DPIs on his register of interests within 28 days of being first elected to the Council in May 2016.

5.4 ***Whether Cllr Ali had breached Paragraph 3(j) of the Code of Conduct:***

The Committee found that Cllr Ali had not breached this paragraph of the Code which requires councillors to treat others with respect.

5.5 ***Whether Cllr Ali had breached Paragraph 5.1(a) of the Code of Conduct:***

The Committee concluded that that Cllr Ali had failed to comply with his obligation to register those DPIs that he was obliged to declare under the Localism Act 2011 and associated regulations.

G Reasons

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

6.1 *Finding at Paragraph 5.2*

The Committee accepted Mr Lewin's view that Cllr Ali was more careless in his regard to his legal obligations than dishonest. It also accepts Mr Lewin's finding that Cllr Ali did not appear to have participated in any Council business in which he had an interest. The Committee concluded therefore that Cllr Ali had not acted with any dishonest motivation and so was not in breach of Paragraph 2(f) of the Code of Conduct.

6.2 *Finding at Paragraph 5.3 and 5.5*

- (a) The Committee accepted that Cllr Ali had failed to declare any DPIs within the 28 days required by the Localism Act. The Committee considered that Cllr Ali had had all of the interests that he subsequently disclosed in stages, at the time of his election, and that there was no reasonable excuse for his failure to do so.
- (b) The Committee noted that Cllr Ali had received training on the Code of Conduct and had been able to seek advice of officers at any time if he had been unsure as to what he needed to declare.
- (c) Cllr Ali received several emails and letters from officers about his failure to disclose his interests fully and in a timely fashion. He also had at least two meetings with the Monitoring Officer about his failure to comply with his legal obligations. The Committee did not accept Cllr Ali's explanation that he had to obtain the agreement of his co-investors to disclose his interests. The legal obligation to disclose DPIs rests with the elected member and, regardless of his business arrangements, he had an obligation to disclose his interests in accordance with the law and to take his public duty seriously. This he failed to do.

6.3 *Finding at Paragraph 5.4*

The Committee considered that the comments made by Cllr Ali about Cllr Mayer during his formal interview with Mr Lewin were inappropriate and ill-considered. However, they were not made in a public forum, neither were they made directly to Cllr Mayer. Under the circumstances the threshold required for a breach due to failure to show respect had not been met.

6.4 ***Finding at Paragraph 5.5***

See Paragraph 6.2

H Sanctions applied

7.1 The Committee heard from Cllr Ali on the question of sanctions. He indicated that he was sure the Committee would decide the sanctions fairly and reasonably.

7.2 The Committee also heard Mr Wiseman, the Independent Person on the question of sanctions. His comments are summarised as follows:

The Committee should approach the question of sanctions from the standpoint of the effect of the decision today on the electorate of Coventry. Councillors are constantly taking decisions which affect the public. The public must have confidence in the honesty and integrity of councillors. Councillors need to be totally free of outside interests and commitments. If there is a doubt, does it just affect Cllr Ali, or does it affect the Council as a whole? Do Cllr Ali's actions reflect upon the Council?

It has been said that Cllr Ali did not benefit from his failure to register his interests. But this is the wrong question. The Committee needs to consider how this decision reflects upon how we conduct ourselves in the public interest, which is crucial to the decision making process at the Council.

Criminal sanctions can apply to people who fail to register their interests in time, We know that the Police looked at this case and chose not to pursue it, but the Committee needs to be looking at the person in the street: how does this breach affect the trust that that person has in how the Council conducts its business?

This was not a technical breach. It is a significant breach at the more serious end of the spectrum.

7.3 **The Committee decided to:**

- (i) publish its findings in respect of Cllr Ali's conduct;
- (ii) send a formal letter of censure to Cllr Ali;
- (iii) report its findings to full Council for information; and
- (iv) recommend that the Monitoring Officer organises additional training for Cllr Ali on the registration and declaration of interests.

I Appeal

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

J Notification of decision

9. This decision notice is sent to:
- Councillor Tim Mayer
 - Councillor Rois Ali
 - Mr Matt Lewin and
 - Mr Peter Wiseman, OBE, LLB

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

K Additional help

10. 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.

Ethics Committee

Coventry City Council

14 November 2018

COVENTRY CITY COUNCIL

DECISION NOTICE OF ETHICS COMMITTEE

A **Complaint by:** Councillor John Mutton
 ("the Complainant")

B **Subject Member:** Councillor Glenn Williams

C **Introduction**

1. On 6 November 2018, the Ethics Committee of Coventry City Council considered a report of an investigation into the alleged conduct of Cllr Glenn Williams, a member of Coventry City Council. A general summary of the complaint is set out below.

D **Complaint summary**

- 2.1 The Complainant alleged that Cllr Williams had tweeted a comment on social media that was a deliberate misrepresentation of what Cllr Mutton had said during a radio interview and used this to assert that Cllr Mutton was ignorant of the facts. Cllr Mutton had raised the matter informally with the Monitoring Officer who had asked Cllr Williams to delete the tweet and apologise. Cllr Williams was unwilling to do this and so, on 5 March 2018, Cllr Mutton submitted a formal complaint.
- 2.2 The Monitoring Officer conducted an initial review of the complaint and concluded that, while Cllr Williams' comments were misleading, his misinterpretation was not deliberate. She recommended no further action but recommended that Cllr Williams should be more careful when tweeting and be clear on his facts before so doing.
- 2.3 The matter was not able to be resolved by informal resolution and following comments by the Independent Person, a further review of the complaint was carried out by an Independent Investigator, Andrew Kinsey of Solihull Metropolitan Borough Council. Mr Kinsey concluded that the matter had not reached the threshold required to be considered as a potential breach of the Code of Conduct and that it was therefore not in the public interest to pursue the matter further. He did, however, suggest that, in the light of the comments of the Independent Person and the failure to agree an informal resolution, the Monitoring Officer could consider referring the matter for a hearing.

- 2.4 The hearing was therefore concerned with whether Cllr Williams' comments in his tweet breached the Code of Conduct in the following respects:
- (a) *Paragraph 3(i): Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government; and*
 - (b) *Paragraph 3(j): Always treat people with respect, including the organisations and public I engage with and those I work alongside.*

E Hearing

- 3.1 The Ethics Committee consisted of:
- Cllr Allan Andrews
 - Cllr Linda Bigham
 - Cllr Damian Gannon

The hearing was chaired by Ruth Wills, one of the Council's Independent Persons. Ms Wills took no part in the Committee's discussions or the decisions that it has reached with regard to whether there had been a breach or breaches of the Code.

- 3.2 Cllr Williams attended the hearing.

- 3.3 Ms Julie Newman, the Monitoring Officer attended the hearing, along with Mr Kinsey. Ms Newman outlined her investigation and her conclusions. She answered questions from both the Committee and from Cllr Williams. Cllr Mutton was present and made a statement explaining his concerns about the tweet.

- 3.4 Cllr Williams presented his case. He said that he accepted the transcript of the radio interview with Cllr Mutton but felt it was a pity that a recording was not available since he felt that it was the tone of way that Cllr Mutton talked about Band D property owners that was important. He had listened to the recording several times and this only strengthened his view about what Cllr Mutton had said. He did not feel the need to apologise or to delete the tweet. Cllr Williams said that he respected that Cllr Mutton had deeply held principles and beliefs which were very different from his. He was always prepared to engage in political debate with others but he was entitled to his opinion and should not be silenced. He had been asked to delete tweets before and had done so but not on this occasion because he felt that Cllr Mutton had, in his interview, not been prepared to acknowledge that some people in Band D properties could be struggling financially.

F Consultation with Independent Person

- 4.1 The Independent Person, Ms Ann Barton was asked for her opinion on the complaint. She referred the Committee to her written opinion at page 71 of the Committee papers. This can be summarised as follows:
- 4.2 Ms Barton had not heard the radio interview because it was no longer available. The transcript of the radio interview did not indicate that Cllr Mutton had suggested that Band D property owners were wealthy, neither did he refer to any members of the community in terms of their “class”. In her view he had tried to give the facts and did not appear to her to have given any indication that he was “ignorant” of the facts. Ms Barton felt that an investigation would establish whether Cllr Williams had misrepresented what Cllr Mutton had said and what evidence he had to support his statement. She felt it would give an opportunity to establish whether Cllr Williams had established the facts about Cllr Mutton’s beliefs and values before deciding to tweet. Ms Barton also thought that an investigation would help to show whether Cllr Williams’ tweet was malicious in intent or was in fact justified.
- 4.3 In addition Ms Barton stressed that she felt that it was the content of Cllr Williams’ tweet that should be considered in connection with the hearing and not the transcript of Cllr Mutton’s interview.

F Findings

- 5.1 After considering the submissions of the parties to the hearing and the views of the Independent Person, the Committee reached the following decision(s):

5.2 ***On the question of whether Cllr Williams had breached Paragraphs 3(i) and 3(j) of the Code of Conduct:***

The Committee found that Cllr Williams had not breached the requirements in Paragraphs 3(i) and 3(j) to value colleagues and staff and engage with them in an appropriate manner and to always treat people with respect.

G Reasons

- 6.1 **The Committee’s reasons for reaching its decision are as follows:**

- 6.2 The Committee considered that Cllr Williams’ remarks in his tweet were ill-considered and inappropriate. However, given that this was a “political” observation from one elected member about another, it considered that the remarks did not meet the threshold for this to be considered a breach of the Code of Conduct, such threshold being higher for political speech than it is for others.

- 6.3 **Nevertheless, the Committee recommends** that as this is not the first time that Cllr Williams has been asked to delete his tweets:
- (a) he should undertake social media training at the earliest opportunity; and
 - (b) The Monitoring Officer be asked to report back to the Committee on completion of the training.

H Appeal

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

I Notification of decision

8. This decision notice is sent to:
- Councillor John Mutton
 - Councillor Glenn Williams
 - Ms Julie Newman and Mr Andrew Kinsey and
 - Ms Ann Barton

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

J Additional help

9. 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.

Ethics Committee

Coventry City Council

14 November 2018



10 January 2019

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

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 standards regime nationally 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 City Solicitor and Monitoring Officer, 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 any cases reported are taken from general research where councils publish details of their conduct hearings in public.

1.2.2 Councillor G: Devon County Council

The Council commenced a formal investigation into allegations that Cllr G, a former leader of the Council, had sexually harassed four of its employees.

A QC undertook the investigation and concluded that the allegations were true.

The Standards Committee accepted the findings at its July 2018 meeting. It is noted in the decision notice relating to the findings that the powers for a Council to disqualify or suspend an elected member were removed pursuant to the Localism Act 2011. The panel looked at what sanctions it could impose and determined that the following were appropriate:

1. The subject member should be formally censured;
2. A recommendation be made to his Group Leader that the subject member be removed from any or all Committee / Sub Committees and outside bodies;
3. The subject member have his access to County Council premises restricted to the Members' Room, the Ante Chamber and the Council Chamber for the remainder of the current administration. The Committee further stipulated that should the subject member wish to attend any other premises in order to carry out his duties as a County Councillor, he must give notice to an officer within the Members Services Unit and must be accompanied by an appropriate officer, to be identified following each request for access;
4. The subject member be required to undertake relevant training; and
5. The subject member be removed from all outside bodies appointed or nominated by the Council which do not otherwise fall to the determination of his Group Leader.

The sanctions are due to lapse at the next Council elections in 2021.

In October 2018, Cllr G issued a claim for judicial review of the Council's decision. He raised at least 10 grounds of challenge including lack of procedural fairness. Permission was refused on these grounds however permission has been allowed on one narrow point – whether or not the Council were allowed to impose a sanction restricting access to Council premises.

Cllr G has also appealed against his refusal for permission in respect of the other grounds. A hearing will take place in early 2019.

Officers will report back to the Committee as and when there is more information in respect of this matter.

1.2.3 Councillor C: East Riding of Yorkshire Council as main urban authority of Thwing and Octon Parish Council

This complaint related to an allegation that Cllr C who was chairing a meeting of Thwing and Octon Parish Council on 12 February 2018, referred to the complainant as “a twittering old woman”. The Monitoring Officer investigation found that although the exact words are not agreed, witness accounts verified that words to this effect were directed at the complainant. The Monitoring Officer concluded that the complainant was justified in taking offence, there was an imbalance of power between the Councillor and the complainant and the words were said at a public meeting (regardless of whether members of the public were there was not of importance).

Cllr C made little comment on the findings except to imply that the issue was blown out of proportion and that he had said “wittering like an old woman” which he felt for various reasons was much less offensive. The Monitoring Officer concluded that the effect of either phrase was the same and found that there was a breach of East Riding’s Members’ Code of Conduct, as adopted by the Parish Council (namely treating others with respect and not conducting yourself in a manner that could reasonably be regarded as bringing your office or authority into disrepute).

Last month, a Standards Committee Hearing found that Cllr C had breached the Code of Conduct on both counts and recommended that the Parish Council censure Cllr C as a result.

Commentary: this case deals with the subject of what is acceptable in the eyes of the person on the receiving end of a comment. While it may be acceptable for a councillor to make a particular comment to another councillor or an equal / superior if there is an imbalance of power the recipient may be justifiably more hurt / upset by those words.

1.2.4 Westminster City Council: Gifts and Hospitality

Members will recall that earlier in the year it was reported in the press that the then deputy leader of Westminster Council had received over 500 separate gifts and instances of hospitality between 1 January 2015 and 31 January 2018. He had been entertained by and accepted gifts from figures in the property industry at least 150 times as well as theatre and hotel operators. The gifts included trips abroad and theatre and opera tickets. He was chairman of the Council's planning committee for 16 years until early 2017. He then became the Cabinet Member for Business Culture and Heritage.

It was subsequently discovered that the number of instances when the councillor accepted gifts and hospitality was in fact close to 900 over 6 years totalling approximately £13,000. He was entertained by and received gifts from property industry figures at least 150 times from the start of 2015 onwards – a rate of almost once a week.

The councillor referred himself to the Council's Monitoring Officer and stepped down from his Cabinet and Deputy Leader position. The Monitoring Officer thereafter commissioned an independent QC to carry out an investigation into his conduct.

By way of update the QC who conducted the investigation is reported to have said that the councillor's judgement was found "wanting" and his "acceptance of gifts and hospitality from developers before or after a planning decision may ... have placed him in a position in which people might seek to influence him in the performance of his duties."

There was no evidence to suggest that his decisions at planning committee had been influenced by the gifts and hospitality received or that there was any illegality in his actions but the acceptance of such a large volume of gifts and hospitality "lay open his reputation, and therefore that of the Council, to a perception – fairly or unfairly – that called into question his personal responsibility to promote high standards of conduct". On that basis it was found that there was a breach of the authority's Code of Conduct, namely that the councillor had "not promoted and supported high standards of conduct through leadership and by example".

Although the councillor resigned following the internal investigation, the case is still to be examined by the Council's standards committee whose next meeting is on 6 December 2018.

As Members will recall that earlier in 2018, the Leader of Westminster had asked the Chief Executive to look at all aspects of the decision-making process to ensure that planning in Westminster is, and is seen as, an independent and impartial process. The Council is expected to announce reforms to its planning process.

Officers will report back to the Committee as and when Westminster Council Standards Committee have looked at the matter and when the reforms to planning process are published.

1.2.7 Government Proposals to Extend Criteria for Disqualification from Office

The Ministry of Housing, Communities and Local Government (the Government) published a consultation response on 18 October 2018, entitled "Disqualification criteria for councillors and mayors: consultation response" (the Response). The Government consulted on proposals to update the disqualification criteria for councillors and mayors to bring it into line with modern sentencing practice.

In summary the Government made the following comments:

- Where an individual is subject to the notification requirements set out in the Sexual Offences Act 2003 they should be barred 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. Their disqualification period would end once they were no longer subject to these notification requirements.
- Having considered the responses received, the Government believes that where an individual is subject to a Sexual Risk Order, they should be prohibited from standing for election, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor. Their disqualification period would end once they were no longer subject to these notification requirements.
- The Government considers that an individual who is subject to an anti-social behaviour sanction issued by the court, i.e. 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 barred from standing for election, as a local authority member, directly-elected mayor or member of the London Assembly. Their disqualification period would end once they

were no longer subject to the injunction or Order.

- The Government considers that an individual who is subject to an anti-social behaviour sanction issued by the court, i.e. 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 barred from standing for election, as a local authority member, directly-elected mayor or member of the London Assembly. Their disqualification period would end once they were no longer subject to the injunction or Order.

The Government will seek, when parliamentary time allows, to legislate to ensure individuals are disqualified from standing for office as local authority members or mayors where behaviour has led to a conviction or enforcement action resulting in an individual being subject to one or more of the following:

- the notification requirements in the Sexual Offences Act 2003
- a Sexual Risk Order
- a civil injunction
- a Criminal Behaviour Order

1.2.8 Local Government Ethical Standards Regime

As previously reported, the Committee on Standards in Public Life is not expected to publish its findings on its review of local government ethical standards until the end of this year. Officers will report on this as and when the report is published.

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 one new complaint since the date of the last Committee meeting. This is at Stage 1 of the complaints process. There is one further complaint in the course of investigation. All other matters that were reported at the last Ethics committee meeting have been resolved either by the decision that these should not proceed to a formal investigation or by consideration by the committee following a formal investigation.

1.3.3 All complaints are handled in accordance with the agreed Complaints Protocol.

2. Options considered and recommended proposal

Members of the Committee are asked to:

1. Note the cases determined under the standards regime nationally 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 City Solicitor and Monitoring Officer, 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 Any actions arising from this report will be implemented as soon as possible.

5. Comments from Director of Finance and Corporate Services

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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| Barry Hastie | Director of Finance and Corporate Services | Place | 14/12/18 | 18/12/18 |
| Councillor Walsh | Chair of Ethics Committee | | 18/12/18 | 18/12/18 |

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10 January 2019

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

None

Title:

Committee on Standards in Public Life: Annual Report for 2017-18

Is this a key decision?

No

Executive Summary:

This report is to outline the matters raised in the Annual Report for 2017-2018 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 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:

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 2017-18

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 into 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 4 key pieces of work in their financial year 2017-2018 (to which this report relates):

- A review of intimidation in public life with particular reference to the experience of Parliamentary candidates at the 2017 General Election
- MPs' outside interests
- The continuing importance of Ethical Standards for public service providers
- Local Government Ethical Standards

The CSPL maintained a watching brief on harassment at Westminster, party funding, conduct of referendums and public appointments. It has also published its Forward Plan for 2018/19.

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 2017-2018 ('the Annual Report') which relate specifically to local government standards.

2 Options considered and recommended proposal

2.1 *Intimidation in Public Life—A Review by the Committee on Standards in Public Life*

2.1.1 The CSPL was invited in July 2017 by the Prime Minister to carry out a review of intimidation in public life, with particular reference to the experience of Parliamentary candidates at the 2017 General Election. The final report was published in December 2017.

2.1.2 The Committee concluded that a significant number of Parliamentary candidates had experienced intimidation at the 2017 General Election, and that intimidation was already affecting other public office-holders and having a wider effect on public life. It looked specifically at the role of social media; political parties; law, policing and prosecution; and the wider responsibility of those in public life.

2.1.3 The report made 33 recommendations to government, social media companies, political parties, press organisations, MPs, candidates and other public office-holders. The Government responded formally to the report on 7 March 2018 committing to action on most of the recommendations made to government.

2.2 The Continuing Importance of Ethical Standards for Public Service Providers

2.2.1 The Committee's remit was expanded in 2013 to include those private companies providing public services. As a result the Committee produced a report in 2014 and guidance in 2015 on Ethical Standards for Public Service Providers.

2.2.2 With the increase in public expenditure on outsourcing since 2014, the Committee decided in 2017 to return to the issue to see what, if any progress, had been made in the intervening three years. In preparing its follow-up report, they heard again from many of the organisations they met in 2014. Overall, they held 14 meetings with organisations on both the commissioning and service provider sides of contracts and also with those organisations well placed to assess progress on ethical service delivery.

2.2.3 The Committee has said that the failure of Carillion early in 2018, one of the largest providers of public services to both central and local government, and the public outcry around this failure, serves to highlight the fundamental importance of companies and governments paying attention to ethical standards of those who provide services funded by the taxpayer.

2.2.4 The follow-up report on this issue, published in May 2018, considered the developments in best practice and the wider environment in which public service delivery is evolving and actions taken in respect of the 2014 report. The CSPL made 12 new recommendations; and reflected on the potential ethical tensions that are present and on the horizon. The Committee remains concerned over the lack of internal governance and leadership of these areas in departments with significant public service contracts and made a number of recommendations to departmental boards and Permanent Secretaries; the Government Chief Commercial Officer; professional bodies; and public service providers themselves on how they might better reinforce ethical standards in outsourcing.

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. There had been intense media interest in the issue of MPs' outside interests triggered by the former Chancellor of the Exchequer's outside interests at the time that he was still an MP.

2.3.2 In 2009, the CSPL had recommended that MPs should not be prohibited from paid employment provided that it remained within reasonable limits and was transparent. The Committee decided to see the extent to which this compromise that it recommended had been put into operation, and if there was a need to explore further and elaborate what is meant by “reasonable limits”. The review was paused twice, once when the 2017 General Election was called, and again when the Government asked it to conduct the urgent review into intimidation in public life. The report was finally published in July 2018.

2.3.3 The Committee recognised that MPs need the flexibility to perform their roles in the way they choose and that Parliament needs to attract a wide range of people from different backgrounds and professions. But it also felt that the public needs assurance that processes are in place to mitigate the potential for undue influence on our political system. The Committee therefore recommended a package of important reforms directed towards Parliament and Government, and in particular the Parliamentary Commissioner for Standards and the Commons Committee on Standards. These are the bodies responsible for reviewing the Code of Conduct for MPs.

2.3.4 The recommendations are intended to ensure that MPs’ outside interests remain within reasonable limits and that any outside roles, whether or not they are paid, do not prevent MPs from undertaking the range of duties expected of them in their primary role as an MP. The CSPL also recommended greater transparency – the need for a more accessible, searchable and usable Register of Members’ Financial Interests; and that the rules of lobbying should be made clearer.

2.4 *Local Government Ethical 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. Ethics Committee is aware that the CSPL launched a review of ethical standards in local government and indeed made its own representations to the Committee.

2.4.2 The review is considering the structures, processes, and practices for local government standards in England, including codes of conduct, sanctions, investigatory processes and the roles of Monitoring Officers, Clerks, and Independent Persons. The Committee has received 316 submissions in response to its consultation.

2.4.3 The Committee has a planned programme of visits to a selected range of local councils where it will be talking directly to councillors. It expects to publish the report by December 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 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.

2 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 Director of Finance and Corporate Services

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

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| Names of approvers for submission: (officers and members) | | | | |
| Graham Clark | Finance | Place | 14/12/18 | 17/12/18 |
| Julie Newman | City Solicitor and Monitoring Officer | Place | 12/12/18 | 14/12/18 |
| Barry Hastie | Director of Finance and Corporate Services | Place | 14/12/18 | 18/12/18 |
| Cllr Walsh | Chair, Ethics Committee | | 18/12/18 | 18/12/18 |

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Ethics Committee

10 January 2019

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

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 for 2018/19 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 2017.

In 2016, the then 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. This report takes the form of a table top exercise using information publicly available and from officers' experiences of engagement in parish council matters over the last year.

The Monitoring Officer, and the City Council, normally 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. However the Council does have a statutory requirement to take action where a parish council finds itself inquorate and unable to act. This occurred this year and is detailed in the report.

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 Monitoring Officer be requested to continue 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;
- (2) The Monitoring Officer be requested to continue to offer any suggestions to the parish clerks on where their good practice on ethical standards might be further improved; and
- (3) The Committee places on record its appreciation for the work carried out by Cllr Weaver and Mrs Bland in helping and advising Keresley Parish Council.

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 2017/18

1. Context (or background)

- 1.1 The Committee’s work plan for 2018/19 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 2017.
- 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 except with regard to Keresley Parish Council which is set out in paragraph 2.3.2.

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 2018) | 8 | 10 | 6* |
| Members' or chair's allowance paid? | Yes: Chair's allowance £50 per annum | No | No |
| Funding for 2018-19: | Precept 8,288 Grant <u>1,311</u> TOTAL <u>£9,599</u> | Precept 20,930 Grant <u>3,336</u> TOTAL <u>£24,266</u> | Precept 1,652 Grant <u>243</u> TOTAL <u>£1,895</u> |
| Precept charge per Band D property | £24.89 per annum | £13.76 per annum | £7.14 per annum |

* See separate paragraph at about Keresley Parish Council at 2.3.2.

2.3 Operation of Ethical Standards in Parish Councils

2.3.1 The role of the Monitoring Officer and of the City Council itself in the operation of parish councils is limited. The 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 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 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 Keresley Parish Council

Keresley Parish Council normally has 7 members. In late 2017, a number of councillors including the Chair, resigned. The Clerk to the Council also resigned. As a result the parish council was inquorate and unable to hold meetings, co-opt additional members or make decisions. It was not able to appoint a new clerk or issue a precept for the 2018/19 year or renew its subscriptions or insurance. Banking transactions were not possible as authorised signatories could not be updated.

Where there are so many vacancies that a parish council is unable to act, the City Council may make an Order under Section 91 of the Local Government Act 1972 appointing persons to act as temporary councillors until such time as new councillors can be elected.

In this case, the City Council made an order appointing Cllr Rosie Weaver, BEM, as a temporary councillor. As well as being Chair of Meriden Parish Council, Cllr Weaver is also Chair of the Warwickshire and West Midlands Association of Local Councils. Cllr Weaver worked with the remaining parish councillors and with City Council officers to get the parish council into a position where, at its first meeting for 8 months in August 2018, it was able to co-opt 3 new councillors. The Clerk to Meriden Parish Council, Barbara Bland acted as locum clerk to the parish council. City Council officers used the Council's legal power to set a precept for Keresley in the absence of a request from the parish council.

Although Cllr Weaver's official appointment only lasted until the new councillors were co-opted in August 2018, she has continued to work with and mentor the members of Keresley Parish Council. With half the councillors new to office, Cllr Weaver's help in establishing and executing the remedial action needed to be taken to get the parish council back on track has been invaluable. Mrs Bland has also agreed to carry on as locum clerk until the end of the year as attempts to appoint a new clerk have been unsuccessful. Again, her assistance in dealing with administrative and financial matters has been much appreciated. Keresley continues to advertise the vacancy for a clerk and it is hoped that they will be able to appoint to this vital position very soon.

Cllr Weaver and Mrs Bland have provided much needed help to Keresley Parish Council and officers recommend that the Ethics Committee records its appreciation of their efforts.

2.3.3 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 meeting and two at Allesley. It should be noted that Keresley has only met 4 times in the last 12 months when no interests were declared.

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. All three parish councils 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.

All three parish councils now publish their Standing Orders on their websites. Finham confirmed approval of its new Standing Orders, based on Model Standing Orders issued by the National Association of Local Councils, in May 2018, as did Allesley. Keresley is currently in the process of reviewing its Standing Orders and Financial Regulations.

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

All three parish councils have a website. The dates of meetings, agendas and minutes are regularly published on their websites.

2.3.9 Complaints about Parish Councillors

Since the last report in December 2017, there have been two complaints made to the Monitoring Officer about parish councillors, one of which is ongoing.

All three parish councils now have a complaints procedure published on their website. As well as explaining how dissatisfaction with the council itself can be addressed, there is also a short section on how to complain about potential breaches of the Code of Conduct. 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 just under seven members of the attending meetings and Keresley around two (but based only on a limited number of meetings in the last 12 months). Allesley averages less than 2 a meeting.

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 has varied between councils in the past, it has improved over the last year as councils have reviewed and revised their policies and procedures. 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, although all do this.

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 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;
- (2) the Monitoring Officer be requested to continue to offer any suggestions to the parish clerks on where their good practice on ethical standards might be further improved; and
- (3) the Committee places on record its appreciation for the work carried out by Cllr Weaver and Mrs Bland in helping and advising Keresley Parish Council.

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 Director of Finance and Corporate Services

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

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| Contributor/approver name | Title | Directorate or organisation | Date doc sent out | Date response received or approved |
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| Contributors: | | | | |
| Suzanne Bennett | Governance Services Officer | Place | 19/12/18 | |
| Names of approvers for submission: (officers and members) | | | | |
| Finance: Graham Clark | Finance | Place | 14/12/18 | 17/12/18 |
| Julie Newman | City Solicitor and Monitoring Officer | Place | 12/12/18 | 14/12/18 |
| Barry Hastie | Director of Finance and Corporate Services | Place | 14/12/18 | 18/12/18 |
| Cllr Walsh | Chair Ethics Committee | | 18/12/18 | 18/12/18 |

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10 January 2019

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

None

Title: Review of Guidance on Gifts and Hospitality for Members

Is this a key decision?

No

Executive Summary

At its meeting in July 2018, the Committee decided that it would like to review the current guidance and rules on the acceptance of gifts or hospitality by elected members.

The current guidance for members was approved by the Committee at its meeting on 29 August 2014. Prior to this, the only advice for members on gifts and hospitality was the reference to the need to declare gifts and hospitality in the Members' Code of Conduct. The form for declaration of gifts and hospitality was also reviewed and updated. At that time the Monitoring Officer publicised the new guidance to all members along with how to register gifts and hospitality. Advice on gifts and hospitality is included in the training for members on Code of Conduct matters delivered by the Monitoring Officer.

This report sets out the current guidance for members and asks the Committee to consider:

- Whether it wishes to alter the rules for acceptance and declaration of gifts and hospitality
- Whether it would like to provide new or revised guidance to members; and
- Whether it wishes to consider new ways of ensuring that members understand the rules.

Recommendations:

The Ethics Committee is recommended to consider the current guidance on Members Gifts and Hospitality and to make any recommendations for changes that it considers appropriate. In particular to consider:

- (1) whether it wishes to alter the rules for acceptance and declaration of gifts and hospitality including:
- the financial threshold for the declaration of gifts and hospitality
 - declaration of offers made but not accepted
 - seeking the approval before acceptance of the gift or hospitality
 - making the register of declarations available online
- (2) whether it would like to provide new or revised guidance to members; and
- (3) whether it wishes to consider new ways of ensuring that members understand the rules.

List of Appendices included:

Appendix 1: Current Guidance on Gifts and Hospitality

Appendix 2: Draft Quick Guide on Gifts and Hospitality

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 Guidance on Gifts and Hospitality for Members

1. Context (or background)

- 1.1 At its last meeting, the Committee decided that it would like to review and, if necessary, revise, the guidance issued to members on the receipt of gifts and hospitality. This report sets out the current guidance given to members and requests the Committee to consider what changes, if any, it would like to make to that guidance.
- 1.2 The requirement to declare gifts and hospitality valued at over £25 has been in the Code of Conduct for Elected and Co-opted Members since the Code was adopted in 2012. Before that the national code of conduct also required declaration of gifts and hospitality. The Code requires members to declare these to the Monitoring Officer within 28 days of receipt. The register is public but is not online. Declarations are reported to this Committee every six months and are therefore available on the Council's website.
- 1.3 Although there has been a requirement to declare gifts and hospitality for many years, until 2014, the Council did not have any formal guidance for members. At its meeting on 29 August 2014, the Committee considered a report from the Monitoring Officer recommending approval of new guidance for members on the acceptance of gifts and hospitality. This guidance is attached at Appendix 1. In addition the Committee approved a revised form for members to use when declaring gifts or hospitality. In particular the Committee decided that:
- it did not want to alter the financial threshold for declaring gifts and hospitality
 - the register should not be made available on line but available for the public to view in person if they wished
 - members should not be required to declare gifts or hospitality offered but not accepted.

At the time the new guidance was approved, the Monitoring Officer publicised the guidance to members and since then a section on gifts and hospitality has been included in the compulsory Code of Conduct training for all members.

2. Options considered and recommended proposal

- 2.1 **Option 1:** do nothing. This is not recommended as the guidance has been in place for 4 years and would benefit from a review.
- 2.2 **Option 2:** review the guidance and consider whether there are any other ways that the Committee would want to make members aware of the rules around acceptance of gifts and hospitality.
- 2.3 In particular, the Committee is asked to consider whether:
- It wishes to alter the financial threshold for the declaration of gifts and hospitality
 - the register of declarations should be made available online
 - members should be required to declare offers made but not accepted
 - members should be required to seek the approval of the Monitoring Officer or Deputy Monitoring Officer before acceptance of the gift or hospitality.
- 2.4 If the Committee is minded to look at amending the financial threshold for declaration of gifts and hospitality, officers have checked the thresholds being used by other councils in the West Midlands, where these are publicly available:

| Council | Threshold |
|----------------------------|------------------|
| Birmingham City Council | £25 |
| Dudley MBC | £25 |
| North Warwickshire | £100 |
| Sandwell MBC | £100 |
| Solihull MBC | £25 |
| Walsall Council | £50 |
| Warwick District Council | £25 |
| Wolverhampton City Council | £50 |

In addition, if members wish to look at putting declarations online, officers can investigate the feasibility of members updating declarations directly onto Modern Gov in the same way that they do with their Register of Interests.

- 2.5 In terms of publicising the guidance on the Code to members, attached at Appendix 2 is a draft quick guide for members in the form of questions and answers. It sets out the main points of the guidance on gifts and hospitality and it is hoped that its layout may make it easier for members to find a quick answer to a question about gifts and hospitality. The Committee is asked to consider the draft quick guide and decide whether they would wish to issue something similar to members in addition to the current guidance. The Committee is also asked to consider how it feels that the current and any future guidance can be best brought to the attention of members.

2.6 Recommendations:

The Ethics Committee is recommended to consider the current guidance on Members Gifts and Hospitality and to make any recommendations for changes that it considers appropriate. In particular to consider:

- (1) whether it wishes to alter the rules for acceptance and declaration of gifts and hospitality including:
 - the financial threshold for the declaration of gifts and hospitality
 - declaration of offers made but not accepted
 - seeking the approval before acceptance of the gift or hospitality
 - making the register of declarations available online
- (2) whether it would like to provide new or revised guidance to members; and
- (3) whether it wishes to consider new ways of ensuring that members understand the rules.

3 Results of consultation undertaken

- 3.1 None.

4. Timetable for implementing this decision

Any recommendations of the Committee will be implemented within an appropriate time frame. In particular, if members are minded to introduce an online register, then it is recommended that this take effect from the start of the 2019/20 municipal year.

5. Comments from the Director of Finance and Corporate Services

5.1 Financial implications

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

5.2 Legal implications

Members are required to declare Gifts and Hospitality under section 4 of the Code of Conduct for Elected Members at Part 4 of the Council's Constitution. Whilst there is no statutory requirement for members to declare in this way, maintaining a process and register aids transparency and assists the Council in promoting and maintaining high standards of ethical behaviour as is required under section 27 of the Localism Act 2011

6 Other implications

None

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

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report, but a failure to implement and maintain a system of Declarations of Gifts and Hospitality can impact on the organisation's ethical behaviour and transparency. It is prudent to review the guidance issued to members from time to time to ensure that it is up to date and relevant.

6.3 What is the impact on the organisation?

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

6.4 Equalities / EIA

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

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

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Name and job title: Corporate Governance Lawyer, Legal Services

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| Names of approvers for submission: (officers and members) | | | | |
| Graham Clark | Finance | Place | 31.08.18 | 04.09.18 |
| Julie Newman | Legal Services Manager | Place | 29.08.18 | 04.09.18 |
| Barry Hastie | Director of Finance and Corporate Services | Place | 03.09.18 | 21.09.18 |
| Cllr Walsh | Chair of Ethics Committee | | 18.12.18 | 18.12.18 |

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Appendix 1: Current Guidance on Gifts and Hospitality

GUIDANCE ON THE DECLARATION OF GIFTS AND HOSPITALITY UNDER MEMBERS' CODE OF CONDUCT

1 Purpose of this Guidance

The Council's Code of Conduct applies to gifts and hospitality received as an Elected Member or co-opted Member of the Council. The Code only requires you to register gifts or hospitality received above the value of £25. The terms "gift" and "hospitality" should be considered to include any food, drink, accommodation, entertainment or other benefit freely provided or heavily discounted.

This guidance sets out some general principles members should consider when thinking about accepting gifts and hospitality.

2 General Principles

(a) Improper influence

Some organisations and private individuals regard the provision of gifts and hospitality as a means of buying influence. If a member of the public becomes aware that you have been prepared to accept a gift or hospitality improperly, they may believe they will not be able to secure impartial consideration from the Council.

Gifts or hospitality should therefore never be accepted as an inducement or reward for anything done as a member or co-opted member of the Council, or as a means of gaining influence. Members must act in the public interest. Breach of this principle is both a breach of the Code and could also constitute a serious criminal offence.

(b) Benefit to Council

Gifts or hospitality should only be accepted where there is a proportionate benefit to the Council, in light of the estimated value of the gift or hospitality. Unless the benefit to the Council is clear and that benefit would not have been available but for the acceptance of the gift or hospitality, then the presumption could be that the gift or hospitality is for personal benefit.

(c) Misinterpretation of intent

The appearance of impropriety can be just as damaging to the Council and to an elected or co-opted Member as actual impropriety. Gifts or hospitality offered should therefore never be accepted where the circumstances are likely to be misinterpreted by a member of the public. Examples of situations where the Council could be challenged or discredited include where a member's role is related to:-

- competitive procurement and tendering exercises
- regulatory decisions, such as individual licensing and planning decisions
- determination of grants or other requests for funding

(d) Soliciting Gifts or Hospitality.

Members should never solicit or invite an offer of a gift or hospitality in connection with their role as a member of the Council and should also avoid giving the impression that they might be open to such an offer.

3 Examples Where Acceptance of Gifts and Hospitality May Be Permitted

Subject to the general principles set out in Section 2 of this Guidance, it is generally considered appropriate to accept a gift or hospitality in the following circumstances:-

- civic hospitality offered by another public authority
- Council-supported events—tickets for sporting, cultural and entertainment events that are supported by the Council
- modest working lunches, provided to enable the parties to discuss business
- reasonable hospitality, provided at external visits, meetings or conferences provided that this is also available to other attendees

4 Valuing Gifts and Hospitality Offered

In order to decide whether you need to declare the acceptance of a gift or hospitality you will need to estimate whether the value of the gift or hospitality is above £25. In most cases it should be possible to estimate whether a gift is likely to exceed £25 in value. A series of small gifts from the same source over a short period of time with a cumulative value of over £25 should be registered.

The value of hospitality may be more difficult to estimate, but this should still be possible, given a degree of common sense. An assessment of the value of the hospitality on offer and consideration of how much a person could reasonably expect to pay for an equivalent function or event run on a commercial basis should be identifiable in many cases. The prudent course is to contact the Monitoring Officer for advice and/ or register the gift and/or hospitality.

5 Legal Position on Gifts and Hospitality

There are both criminal sanctions and 'internal' rules for breaching the law which relates to gifts and hospitality.

(a) The Bribery Act 2010

The Bribery Act 2010 applies the offence of bribery to the person who offers, promises or gives a financial or other advantage to another or the person who requests, agrees, receives or accepts an advantage. It does not define what advantage is, and therefore potentially opens the offence to the acceptance of gifts and hospitality by all public officials, including Elected and Co-opted Members of the Council.

(b) Mifeseance in Public Office

This offence is less frequently seen in public since it carries a high burden of proof and the Attorney General's office usually regards it as suitable only for the most serious cases.

A summary definition of the offence is where a public officer wilfully neglects to perform his duty and/or wilfully misconducts himself to such a degree as to amount to abuse of the public's trust in the office holder without reasonable excuse or justification.

(c) Breach of Code

Irrespective of what the general law may say with regard to gifts and hospitality, the Council has its own set of rules regarding the acceptance of gifts and hospitality by Elected and Co-opted Members within its Code of Conduct, which every Member signs up to when taking office.

The relevant sections of the Code are set out below:

“5.1.2. As a holder of public office and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council:

b. INTEGRITY: I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

d. ACCOUNTABILITY: I am accountable for my decisions and actions to the public and must submit myself to whatever scrutiny is appropriate to my office.

f. HONESTY: I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.”

Improper acceptance of gifts or hospitality may amount to a breach of the Code of Conduct which could result in action being taken against the councillor concerned. A breach of the Code may also result in adverse publicity to the Council and potential damage to its reputation and standing amongst the citizens of Coventry.

6 Procedure for Declaring Gifts and Hospitality over £25 in Value

If you accept any gift or hospitality with a value of over £25 then the Code of Conduct requires you to notify the Council’s Monitoring Officer in writing as soon as possible and in any event within 28 days of receipt of the gift or hospitality.

Please use the declaration form available on the web or from Member Services.

REMEMBER- Details of gifts and hospitality will be made available in a public register, subject to the usual data protection principles.

Appendix 2: Draft Quick Guide to Gifts and Hospitality

Members' Gifts and Hospitality: A Quick Guide

From time to time elected members may be offered gifts or hospitality by others. This quick guide is designed to help members decide when it is permissible to accept a gift or hospitality. Further guidance is available online at the link in Section 8.

1. What gifts and hospitality are covered by the rules?

Only gifts or hospitality valued at over £25 received by you in your capacity as a councillor have to be declared. This includes food, drink, accommodation, entertainment or other items or benefits which are given to you at no cost or heavily discounted.

You don't need to declare presents or hospitality that you receive in a private capacity, for example, from family or friends.

2. When do I have to declare receipt?

You must declare any gifts or hospitality within 28 days of receipt. Please do not "save up" declarations and submit them together as some may not then be declared within the 28 days.

3. Do I have to declare gifts and hospitality received under £25 in value?

No, but you may declare receipt of any gifts or hospitality, regardless of its value. If you receive a series of small gifts or low value hospitality over a period of time from the same source then you should declare them if the total value exceeds £25.

4. Do I have to declare gifts and hospitality that I have declined?

No, but you may declare an offer that you have not accepted, especially if you have any doubts or concerns about the reason for the offer.

5. What if I don't know the value of the gift or hospitality?

It is important to remember that you are only expected to **estimate** the value of gifts and hospitality received. The value of some gifts will be easy to establish. For example, a quick search online will often give you a good idea of the gift's value.

Hospitality can be harder to gauge but this should still be possible, given a degree of common sense. Tickets to advertised events should be easy to value, for example. For other forms of hospitality, try to make an estimate of what you think someone might expect to pay for a similar commercially run function or event. For example, a three course meal with wine and coffee is unlikely to cost less than £25.

If you are still unsure about the value, contact the Monitoring Officer.

6. What things are ok to accept?

It is generally appropriate to accept a gift or hospitality in the following circumstances:-

- civic hospitality offered by another public authority
- Council-supported events—tickets for sporting, cultural and entertainment events that are supported by the Council
- modest working lunches, provided to enable the parties to discuss business

- reasonable hospitality, provided at external visits, meetings or conferences provided that this is also available to other attendees

In all other cases, gifts and hospitality should only be accepted where there is a proportionate benefit to the Council.

7. And when should I not accept an offer of a gift or hospitality?

If you accept a gift or hospitality, you need to consider how that might look to members of the public. You should never accept gifts of cash or items with a monetary value (e.g. gift cards). You also need to think about what the motivation of the person making the offer might be. So if you are involved in making decisions on, for example:

- Competitive procurement and tendering exercises
- Individual planning or licensing decisions
- Awarding grants or other funding

then you need to consider whether the gift or hospitality is intended to try to influence you in your decision making or that it might appear that way to the public. If you have any doubts, refuse.

8. How do I declare a gift or hospitality?

There is a form that you need to complete when you are offered and accept gifts or hospitality. The form and **further guidance** is available in the members' information section of the Intranet. The link is here:

<https://coventrycc.sharepoint.com/Info/Pages/Gifts-and-hospitality-members.aspx>

You can also get a copy of the form from Member Services.

You need to complete the form and send it to the Monitoring Officer. The form will be placed on the Register which is open to public inspection.

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10 January 2019

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

None

Title: Review of Guidance on Declaration of Interests

Is this a key decision?

No

Executive Summary

At its meeting in November 2018, the Committee considered a report on a review of the guidance currently issued to elected members on the declaration of interests. The Committee resolved to authorise the Monitoring Officer to:

- (a) update and streamline the FAQs as set out in the report
- (b) produce a step by step guide to declaration of interests ;and
- (c) delete the hard copy register of interests form and guidance notes from the Member Information pages of the Intranet.

The Monitoring Officer was also requested to bring the revised and new documents to a future meeting of the Committee for consideration.

This report is to advise the Committee that officers are working on revisions to the online FAQs on the registration of interests and on a step by step guide to the declaration of interests. These will be the subject of a report back to the Committee at its March meeting. The intention is for the new guidance to be available for the start of the 2019/20 municipal year. It will also be incorporated into training provided for newly elected and existing councillors early in the new municipal year. In the meantime officers have removed the hard copy register of interests form from the Members' information pages on the Intranet.

Recommendations: the Ethics Committee is recommended to:

- (1) Note the current position; and

(2) Request the Monitoring Officer to bring a draft step by step guide to the declaration of members' interests and revised FAQs on the registration of interests to the March meeting of the Committee.

List of Appendices included: None

Other useful background papers:

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 Guidance on Declaration of Interests

1. Context (or background)

- 1.1 At its last meeting, the Committee considered a report on a review of the guidance currently issued to elected members on the declaration of interests. It reviewed the current guidance and resolved to authorise the Monitoring Officer to :
- (a) update and streamline the FAQs as set out in the report
 - (b) produce a step by step guide to declaration of interests ;and
 - (c) delete the hard copy register of interests form and guidance notes from the Member Information pages of the Intranet.

The Monitoring Officer was also requested to bring the revised and new documents to a future meeting of the Committee for consideration.

- 1.2 This report updates the Committee on the current position.

2. Options considered and recommended proposal

- 2.1 **Option 1:** do nothing. This is not recommended as the FAQs have been in place for over 5 years and would benefit from a review and the Committee has already resolved to revise the guidance.
- 2.2 **Option 2:** Revise the guidance documents. Officers have removed the outdated hard copy of the register of interests form from the members' information section on the Intranet. Officers are working on revisions to the online FAQs on the registration of interests and on a step by step guide to the declaration of interests. These will be the subject of a report back to the Committee at its March meeting. The intention is for the new guidance to be available for the start of the 2019/20 municipal year. It will also be incorporated into training provided for newly elected and existing councillors early in the new municipal year.

Recommendations: the Ethics Committee is recommended to:

- (1) Note the current position; and**
- (2) Request the Monitoring Officer to bring a draft step by step guide to the declaration of members' interests and revised FAQs on the registration of interests to the March meeting of the Committee.**

3. Results of consultation undertaken

- 3.1 None.

4. Timetable for implementing this decision

Officer will bring back revised and new guidance to the March meeting of the Committee with a view to the new guidance being available to members at the beginning of the new Municipal Year.

5. Comments from the Director of Finance and Corporate Services

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 register and declare their statutory and non-statutory interests by the Localism Act 2011 and under the Code of Conduct. While the responsibility for making these declarations rests with the individual member, having up to date and accessible guidance on how to discharge this responsibility 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

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

Not applicable.

6.2 How is risk being managed?

The purpose behind this report to suggest ways in which the risk of members failing to comply with their statutory and non-statutory obligations can be minimised. It is prudent to review the guidance issued to members from time to time to ensure that it is up to date, relevant and accessible.

6.3 What is the impact on the organisation?

Updating and improving guidance given to members will help ensure that the Council meets its obligation to promote and maintain high standards of ethical behaviour.

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

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Directorate: Place

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| Names of approvers for submission: (officers and members) | | | | |
| Graham Clark | Finance | Place | 14/12/18 | 17/12/18 |
| Julie Newman | City Solicitor and Monitoring Officer | Place | 14/12/18 | 14/12/18 |
| Barry Hastie | Director of Finance and Corporate Services | Place | 14/12/18 | 18/12/18 |
| Cllr Walsh | Chair of Ethics Committee | | 18/12/18 | 18/12/18 |

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10 January 2019

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

Not applicable

Title:

Work programme for the Ethics Committee 2018/19

Is this a key decision?

No

Executive Summary:

This report updates progress on the approved work programme for the 2018/19 municipal year and asks the Committee if it wishes to make any changes or add to the programme for the rest of the year.

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: Work Programme for Ethics Committee 2018/19

1. Context (or background)

- 1.1 The Committee's Terms of Reference are set out in the Council's Constitution and include the consideration of matters which are relevant to the ethical governance of the Council, its members or employees. This report attaches the approved programme of work for the Committee for the rest of the municipal year. It is 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 approved work programme takes account of the need to promote standards and addresses this in a number of ways. The work programme is intended to be 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 There continues to be a standing item for each meeting, by way of a Monitoring Officer / Code of Conduct update, which incorporates 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 and when they arise.
- 2.2 Following its meeting on 6 November 2018, the overview of current guidance for members on the acceptance and declaration of gifts and hospitality has been carried over to this meeting.
- 2.3 The work programme for this meeting includes an update on the progress of the CSPL's review of local government ethical standards as the CSPL has indicated that it intends to publish its report by the end of December 2018. However, if this is not available in time for publication of the agenda for this meeting, it will be held over until the March meeting.
- 2.4 The report on the Planning Code of Practice has been postponed to the March 2019 meeting with the Chair's agreement.

Recommendation

The Committee is asked to review the work programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate.

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

- 4.1 Not applicable

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

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

5.2 Legal implications

There are no specific legal implications arising from this report, as there is no statutory obligation on the Committee to adopt a work programme. However, the Council must comply with its obligations under section 27 of the Localism Act 2011 and the continuation of a clear programme of work would assist in compliance for the Council as a whole, in its duty to promote high standards of ethical conduct.

6. Other implications

None

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

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

6.3 What is the impact on the organisation?

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

6.4 Equalities / EIA

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

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author(s): Carol Bradford

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

Directorate: Place

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| Suzanne Bennett | Governance Services Officer | Place | 19/12/18 | |
| Names of approvers for submission: (officers and members) | | | | |
| Finance: Graham Clark | Lead Accountant | Place | 14/12/18 | 17/12/18 |
| Legal: Julie Newman | City Solicitor and Monitoring Officer | Place | 12/12/18 | 14/12/18 |
| Director: Barry Hastie | Director of Finance and Corporate Services | Place | 14/12/18 | 18/12/18 |
| Cllr Walsh | Chair: Ethics Committee | | 18/12/18 | 18/12/18 |

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

Appendix 1

Work Programme for the remainder of the Municipal year 2018/2019

| Meeting no. and date | Topics | Lead officer |
|---------------------------|--|--------------|
| 2018/19 | | |
| 1. 10 January 2019 | | |
| | Monitoring Officer/Code of Conduct/ Members Complaints Update. | Julie Newman |
| | Annual Report of Committee on Standards in Public Life- update from national body usually published in August each year. | Julie Newman |
| | Annual review of Parish Councils ethical standards regime. | Julie Newman |
| | Update on Committee on Standards in Public Life's Review of Ethical Standards in Local Government | Julie Newman |
| | Review of Guidance for Members on Gifts and Hospitality: Proposed Changes | Julie Newman |
| | Work Programme 2018/19 | Julie Newman |
| 2. 28 March 2019 | | |
| | Monitoring Officer/Code of Conduct/ Members Complaints Update. | Julie Newman |
| | Officers Gifts and Hospitality -Inspection of Registers for last 6 months of 2018. | Julie Newman |
| | Members Gifts and Hospitality -Inspection of Registers for last 6 months of 2018. | Julie Newman |
| | Review of Guidance for Members on the Declaration of Interests: Proposed Changes | Julie Newman |
| | Code of Good Practice on Planning Matters Update | Julie Newman |
| | Work Programme 2019/20 | Julie Newman |