



Ethics Committee

Time and Date

10.00 am on Thursday, 12th September, 2019

Place

Committee Room 3, Council House, Coventry

Public Business

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 6)
 - a) To agree the Minutes of the previous meeting held on 26 June, 2019
 - b) Any matters arising
4. **Committee on Standards in Public Life: Annual Report 2018/19** (Pages 7 - 14)

Deputy Chief Executive (Place)
5. **Six Monthly Review of Officers' Gifts and Hospitality** (Pages 15 - 28)

Report of the Director of Finance and Corporate Services
6. **Six Monthly Review of Members' Declarations of Gifts and Hospitality Registers** (Pages 29 - 34)

Report of the Director of Finance and Corporate Services
7. **Code of Conduct Update** (Pages 35 - 48)

Report of the Director of Finance and Corporate Services
8. **Work Programme for the Ethics Committee 2019/20** (Pages 49 - 58)

Report of the Director of Finance and Corporate Services
9. **Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Wednesday, 4 September 2019

Note: The person to contact about the agenda and documents for this meeting is Suzanne Bennett Tel: 024 7697 2299 Email: suzanne.bennett@coventry.gov.uk

Membership: Councillors A Andrews, P Hetheron, J Mutton, S Walsh (Chair), and D Welsh

Substitute Members: Cllr R Bailey and M Mutton

Independent Members: S Atkinson, A Barton, R Wills and P Wiseman

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

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

Suzanne Bennett

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Coventry City Council
Minutes of the Meeting of Ethics Committee held at 10.00 am on Wednesday, 26
June 2019

Present:

Members: Councillor S Walsh (Chair)
 Councillor A Andrews
 Councillor P Hetherington
 Councillor J Mutton
 Councillor D Welsh

Independent Persons: A Barton

Employees (by
Directorate):

Place: C Bradford, S Harriott, J Newman, C Sinclair

Apologies: S Atkinson
 R Wills
 P Wiseman

Public Business

1. Declarations of Interest

There were no declarations of interest.

2. Minutes

The minutes of the meeting held on 28 March 2019 were signed as a true record. There were no matters arising.

3. Annual Report of Ethics Committee 2018/19

The Committee considered the third Annual Report of the Ethics Committee which set out the work of the Committee over the last municipal year including:

- Further work that the Committee had done in reviewing and revising governance arrangements with the finalisation of a Monitoring Officer Protocol and approval of a Social Media Protocol for Members.
- Consideration of the report by the Committee on Standards in Public Life on local government ethical standards. The Best Practice recommendations from the report would inform the Ethics Committee's work for the coming year (2019/20)
- Preliminary work on a review of the policy and guidance on gifts and hospitality for members and officers.
- A review of ethical standards in parish councils

The report also detailed other, regular work of the Committee over the last year and set out a brief overview of work to be undertaken in the 2019/20 municipal year.

The Ethics Committee approved the Annual Report.

RESOLVED that the City Council be recommended to:

- a) **Note the Annual Report of the Ethics Committee**
- b) **Consider whether there is any work within the Committee's terms of reference that Council would wish the Committee to undertake**

4. 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 for the period 1 July to 31 December 2019.

5. Six Monthly Review of Members' Declarations of Gifts and Hospitality

The Committee considered 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 for the period 1 September 2018 to 28 February 2019.

In noting the report, the Committee asked that Members be reminded to declare all hospitality offered, even if they did not avail of it.

6. Code of Conduct Update

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

The Committee noted:

- a) The cases determined under the standards regime nationally
- b) 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.

7. Work Programme for the Ethics Committee 2019/20

The Committee considered the 2019/20 Work Programme which detailed proposed topics for the Committee's consideration and the Best Practice work programme which set out the best practice recommendations of the Committee on Standards in Public Life.

In noting the work programme, the Committee asked questions in respect of the best practice point relating to the inclusion of prohibitions on bullying and harassment in the codes of conduct. Arising from the discussion, it was agreed that the following be circulated to members of the Committee:

- The Newcastle-Upon-Tyne definition of bullying and harassment
- The draft Code of Conduct when it had been updated to include a definition of bullying and harassment.
- The code of conduct as set out in the Constitution for Members and Officers in respect of bullying and harassment with any differences highlighted.

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

There were no other items of business.

(Meeting closed at 10.20 am)

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Ethics Committee

12 September 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 2018-19

Is this a key decision?

No

Executive Summary:

This report is to outline the matters raised in the Annual Report for 2018-2019 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.

List of Appendices included:

None

Other useful background papers: Committee on Standards in Public Life Annual Report July 2018-June 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/821702/CSPL_Annual_Report_18_19.pdf

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Committee on Standards in Public Life: Annual Report 2018-19

1. Context (or background)

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

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

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

1.2 Whilst it is a national body, having an overarching concern about public standards, its views and recommendations can be taken in account by local government and other organisations delivering public services when designing, implementing and monitoring their own ethical standards regime. The CSPL has undertaken and been involved in 4 key pieces of work in their financial year 2018-2019 (to which this report relates):

- Local Government Ethical Standards: report published in January 2019;
- AI and Public Standards: Launch of AI review in March 2019;
- Intimidation in Public Life: Follow up work with political parties and The Jo Cox Foundation; and
- MPs' outside interests: report published in July 2018.

The Committee has also been keeping a close watching brief on bullying and harassment in Westminster, reviewing responses and holding meetings with parliamentary authorities.

1.3 This report gives a very brief overview of the main areas of work of the CSPL over the last 12 months.

2 Options considered and recommended proposal

2.1 *Local Government Ethical Standards*

2.1.1 The main focus of the Committee's work was the review into local government ethical standards. The Committee launched the review on 29 January 2018. The report was not prompted by any specific allegations of misconduct but was more to check that the current framework was helpful in promoting and maintaining the

standards expected by the public. Ethics Committee will recall contributing to the consultation on the review.

2.1.2 The review was published on 30 January 2019. It considered the structures, processes, and practices for local government standards in England, including codes of conduct, sanctions, investigatory processes, the roles of Monitoring Officers, Clerks, and Independent Persons, and an ethical culture in local government. It did not propose a return to a centralised, standardised system, but produced recommendations intended to be implemented as a package to address the risks the Committee identified.

2.1.3 The report has been well received in the sector. Since publication, the Committee has followed up by liaising with leadership organisations in the sector, the Local Government Ombudsman and the Ministry of Housing, Communities and Local Government; and independent members have spoken at 5 conferences.

2.1.4 The Committee will review in 2020 councils' take up of their best practice recommendations.

2.2. *Artificial Intelligence and Public Standards*

2.2.1 In March 2019, the Committee launched a new review into whether the existing frameworks and regulations in relation to AI are sufficient to ensure that high standards of conduct are upheld as the use of these technologies becomes more widespread. The Committee has invited written submissions and undertaken a wide-ranging series of meetings with academics, AI professionals, and government officials to gain expert advice and obtain a clear picture of how AI will change public services and how it will affect public standards. The final report is expected in early 2020.

2.3 *Intimidation in Public Life*

2.3.1 The Committee's report on a review of intimidation in public life, with particular reference to the experience of Parliamentary candidates at the 2017 General Election was published in December 2017.

2.3.2 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.

2.3.3 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 and again in March 2019, updating action taken in response to the report.

2.3.4 The Committee has been working with political parties on a joint approach to tackling intimidation and has recently announced on that The Jo Cox Foundation had agreed to act as an independent third party to support this work. The Committee will be working with The Foundation and political parties holding seats in Westminster to draw up a joint standard on intimidatory behaviour to encourage cross-party consensus to recognise and address this issue.

2.4 *MPs' Outside Interests*

2.4.1 The Committee published its report on MPs' Outside Interests in July 2018. The 2 report recommended a package of important reforms to ensure that MPs' outside interests remain within reasonable limits. These included:

- Revising the Code of Conduct for MPs, so that 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.
- To facilitate greater transparency of the registration and declaration of interests, the Register of Members' Financial Interests must be more accessible, searchable and usable.
- The Cabinet Office should issue guidance to Parliamentary candidates on the registration of outside interests, so voters know whether candidates intend to carry on any of their existing jobs if they are elected.

2.4.2 Most of the recommendations require a change to the Code of Conduct and Guide to the Rules relating to the Conduct of Members. The Commons Committee on Standards has said that it proposes to undertake a comprehensive review of the Code of Conduct and Guide to the Rules, involving public consultation and has also published its response to the report.

2.5. *Future Work*

2.5.1 The Committee has indicated that in the coming year, which marks 25 years of the Nolan Principles, it intends to re-test the Principles to see if they are still relevant. In addition, it will be working with an academic to review the "standards landscape" and to set out the role, functions, status, powers and history of bodies responsible for upholding standards across public life.

2.6 *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.

3. Results of consultation undertaken

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

4. Timetable for implementing this decision

- 4.1 Not applicable

5. Comments from 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 follow up work on the report on local government ethical standards progresses.

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?

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 Equality and Consultation Analysis (ECA)

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

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

None

Report author(s): Carol Bradford

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

Directorate: Place

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Place	23.08.19	27.08.19
Names of approvers for submission: (officers and members)				
Graham Clark	Finance	Place	16.08.19	19.08.19
Julie Newman	City Solicitor and Monitoring Officer	Place	14.08.19	16.08.19
Barry Hastie	Director of Finance and Corporate Services	Place	16.09.19	20.08.19
Cllr Walsh	Chair, Ethics Committee		23.08.19	28.08.19

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Public report Ethics Committee

Ethics Committee

12 September 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: Six Monthly Review of Officers' Gifts and Hospitality

Is this a key decision?

No

Executive Summary:

In its work programme, the Committee has decided to review entries in the Registers of Officers' Gifts and Hospitality every six months. This report sets out the entries in the Registers for the period 1 January to 30 June 2019.

Recommendations:

The Ethics Committee is recommended to consider the entries of gifts and hospitality received by officers for the first six months of 2019 and make any recommendations that it considers appropriate.

Appendix included: Table of Gifts and Hospitality received by Officers: January to June 2019

Other useful background papers:

None

Has it been, or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Six Monthly Review of Officers' Gifts and Hospitality

1. Context (or background)

- 1.1 The Committee's work programme includes an item for this meeting to review entries on the registers of officer gifts and hospitality every six months.
- 1.2 The Code of Conduct for Employees sets out the requirements for employees when being offered or accepting gifts or hospitality. The basic rules are:

(a) Gifts

- Personal gifts should never be accepted unless they are modest and are of token value (less than £25). The manager's permission must be obtained
- Items such as coffee mugs, diaries, calendars, pens or other promotional materials can be retained if they are in use in the office and can be considered to form part of the general mailings of a company.
- Where small gifts, such as chocolates, are given as thanks for a service provided, these can be accepted if they are shared within the Team or raffled for charity.
- Gifts worth more than £25 should be refused. If this is not possible, the manager should dispose of them to charity and record the fact in the register.

(b) Hospitality

- Hospitality consisting of light refreshments, working lunch or other meals which are part of a visit, conference, meeting or promotional exercise is acceptable.
- Invitations to social events offered as part of normal working life, or where the Council should be seen to be represented, may be accepted if authorised in advance by the appropriate Director.
- Invitations to other types of hospitality which are not directly linked to the City Council's functions should not be accepted.

The rules relating to gifts and hospitality were amended by the Committee in July 2016 and those changes were accepted by full Council in September 2016.

2. Options considered and recommended proposal

- 2.1 The Directorates have been asked to provide details of gifts and hospitality received during the first 6 months of 2019. The position for each directorate is set out in the Table in the Appendix to this report. The events marked with a * relate to attendance by officers at MIPIM, the annual property conference and exhibition, where it was not practicable to obtain permission to attend events in advance, although in practice officers attended many events in conjunction with their relevant senior officer.

3. Results of consultation undertaken

Each Directorate was asked to provide details of their registers.

4. Timetable for implementing this decision

- 4.1 Not applicable.

5. Comments from 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. However, reviewing the gifts and hospitality offered to employees on a regular basis will help to demonstrate that the Council continues to monitor and review ethical standards within the Council.

6. Other implications

None

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

Not applicable.

6.2 How is risk being managed?

Reviewing gifts and hospitality received by employees will help to reduce the risk of acceptance of inappropriate gifts or hospitality.

6.3 What is the impact on the organisation?

Keeping matters such as this under review will help to promote high standards amongst elected members and employees in accordance with the Localism Act.

6.4 Equality and Consultation Analysis

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

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author: Carol Bradford

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

Directorate: Place

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Place	23.08.19	28.08.19
Names of approvers for submission: (officers and members)				
Graham Clark	Finance	Place	16.08.19	19.08.19
Julie Newman	Legal Services Manager	Place	14.08.19	16.08.19
Barry Hastie	Director of Finance and Corporate Services	Place	16.08.19	22.08.19
Cllr Walsh	Chair, Ethics Committee		23.08.19	28.08.19

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APPENDIX 1: REGISTER OF OFFICER GIFTS AND HOSPITALITY JANUARY TO JUNE 2019

Officer	Date	Description	G or H?	£	Provided by	Justification	Any conflict or future tender?	Approved by	Date
Chief Executive's Office									
Chief Executive	06.01.19	Wasps v Northampton Saints - Match to Launch European City of Sport 2019	H	£75	Wasps	Representing CCC and joining key partners to promote the city and launch European City of Sport 2019	No	N/A	N/A
Chief Executive	17.01.19	University of Warwick Graduation Dinner	H	£75	University of Warwick	Representing CCC to celebrate the achievements of University of Warwick with key partners	No	N/A	N/A
Chief Executive	30.01.19	Homes England Board Dinner at Ramada Hotel	H	£50	Homes England	Welcome Homes England to Coventry as a tenant of One Friargate and hear about their future plans	No	N/A	N/A
Chief Executive	01.02.19	Young Pro Awards Ceremony and Dinner at St Mary's Guildhall	H	£75	Coventry & Warwickshire First	The First Pro Awards celebrate the success and contribution of some of the leading local professional and financial service sector providers in Coventry & Warwickshire	No	N/A	N/A
Chief Executive	07.03.19	Solace Annual Charity Dinner at	H	£75	CGI UK	Representing CCC networking with other Chief Executives and Solace	No	N/A	N/A

		the Mermaid, London				Business Partners to discuss current issues.			
Chief Executive	11.03.19	West Midlands Welcome Reception	H	£10	West Midlands Combined Authority	Hosted by Mayor of West Midlands - networking event for all commercial partners, key stakeholders and local authorities.	No	N/A*	N/A*
Chief Executive	11.03.19	London First Landing Drinks	H	£10	London First/JLL	Business to Business Networking Event	No	N/A*	N/A*
Chief Executive	11.03.19	MIPIM, Cannes: JLL Dinner at Le Pastis	H	£80	JLL	Representing CCC to promote the city and the region along with key stakeholders/partners.	No	N/A*	N/A*
Chief Executive	12.03.19	Official Midlands Welcome Reception	H	£10	Midlands UK Pavilion	Formal Opening of Midlands UK Pavilion by Sir John Peace - networking event for all commercial partners, key stakeholder, local authorities and LEP's	No	N/A*	N/A*
Chief Executive	12.03.19	MIPIM, Cannes: West Midlands Investor Dinner at Hotel Barriere Le Majestic	H	£80	Midlands UK	Representing CCC to promote the city and the region along with key stakeholders/partners.	No	N/A*	N/A*
Chief Executive	11.04.19	Government of Ireland Ministerial Trade Lunch at The Banqueting Suite,	H	£50	Enterprise Ireland	Representing CCC to promote the city and the region along with key stakeholders/partners.	No	N/A	N/A

		Birmingham City Council							
Chief Executive	07.05.19	Wasps End of Season Awards at the Ricoh Arena	H	£125	Wasps	Representing CCC to discuss European City of Sport 2019 and ongoing City of Culture 2021 support	No	N/A	N/A
Chief Executive	12.06.19	CBI West Midlands Dinner at the ICC Birmingham	H	£75	CBI	Representing CCC promoting the city and the region at this key business network event	No	N/A	N/A
People Directorate									
Community Care Worker	09.05.19	Flowers	G	£20	Client's family	Refusal would have caused offence to the family	No	General Manager, All Age Disability Team	09.05.19
Place Directorate									
Deputy Chief Executive Place; Director of Project Management and Property Services; Strategic Lead, City of Culture; Business Support Manager; Business Development Advisor; and Project Manager	11.03.19	West Midlands Welcome Reception	H	£10 each	West Midlands Combined Authority	Hosted by Mayor of West Midlands - networking event for all commercial partners, key stakeholders and local authorities.	No	N/A*	N/A*

Deputy Chief Executive Place	11.03.19	Gallagher Developments Dinner	H	£80	Gallagher Developments Court Collaboration	Private Dinner and Networking Event	No	N/A*	N/A*
Director of Project Management and Property Services	11.03.19	Harworth Group Dinner	H	£50	Harworth Group	Private Dinner and Networking Event	No	N/A*	N/A*
Director of Project Management and Property Services	12.03.19	Meeting at Savills Café	H	£10	Savills	Private Meeting with Agent	No	N/A*	N/A*
Director of Project Management and Property Services; and Business Development Advisor	12.03.19	Regents Affordable Lunch	H	£25 each	Regents Affordable	Partners Lunch and Networking	No	N/A*	N/A*
Deputy Chief Executive Place; Director of Project Management and Property Services; Strategic Lead, City of Culture; Business Support Manager; Business Development Advisor; and Project Manager	12.03.19	Official Midlands Welcome Reception	H	£10 each	Midlands UK Pavilion	Formal Opening of Midlands UK Pavilion by Sir John Peace - networking event for all commercial partners, key stakeholder, local authorities and LEP's	No	N/A*	N/A*
Business Support Manager; Business Development Advisor; and Project Manager	12.03.19	University of Warwick Dinner	H	£50 each	University of Warwick	Partners Dinner and Networking Event	No	N/A*	N/A*

Director of Project Management and Property Services	12.03.19	GVA Dinner	H	£80	GVA	Private Dinner and Networking Event	No	N/A*	N/A*
Deputy Chief Executive Place	13.03.19	Eversheds International Brunch	H	£15	Eversheds	Partners Brunch and networking	No	N/A*	N/A*
Deputy Chief Executive Place; Director of Project Management and Property Services; Strategic Lead, City of Culture; Business Support Manager; Business Development Advisor; and Project Manager	13.03.19	University of Warwick Lunch	H	£25 each	University of Warwick	Partners lunch and networking	No	N/A*	N/A*
Deputy Chief Executive Place; Director of Project Management and Property Services; Strategic Lead, City of Culture; Business Support Manager; Business Development Advisor; and Project Manager	13.03.19	Regeneration Through Sport Event	H	£15 each	Midlands UK Pavilion	Business to Business networking event	No	N/A*	N/A*
Director of Project Management and Property Services	13.03.19	Wright Hassall, Wigley and CW Chamber Drinks Reception	H	£15 each	Wright Hassall, Wigley and CW Chamber	Partners event and networking	No	N/A*	N/A*

Deputy Chief Executive Place; Director of Project Management and Property Services; and Strategic Lead, City of Culture	13.03.19	Coventry and Warwickshire VIP Dinner - Brasserie Meditteranee	H	£150	Friargate Coventry	Private dinner with commercial partners and other distinguished guests networking and promoting Coventry and Friargate	No	N/A*	N/A*
Director of Project Management and Property Services	14.03.19	Meeting at Hilton Stand	H	£10	Hilton	Private meeting with developer	No	N/A*	N/A*
Deputy Chief Executive Place; Director of Project Management and Property Services; Strategic Lead, City of Culture; Business Support Manager; Business Development Advisor; and Project Manager	14.03.19	Culture and Creative Driving Regeneration	H	£15 each	Midlands UK Pavilion	Business to Business networking event	No	N/A*	N/A*
Deputy Chief Executive Place; Director of Project Management and Property Services; Strategic Lead, City of Culture; Business Support Manager; Business Development Advisor; and Project Manager	14.03.19	CW Closing Drinks	H	£20 each	CW MIPIM Partnership	Business to Business networking event.	No	N/A*	N/A*

Strategic Lead, City of Culture; Business Support Manager; Business Development Advisor; and Project Manager	14.03.19	Study Inn & Barberry Partners Dinner	H	£50 each	Study Inn & Barberry	Dinner with commercial partners to 'close MIPIM 2019'	No	N/A*	N/A*
Deputy Chief Executive Place	08.05.19	Dinner	H	£35	EDG Group of companies	Networking and to build good working relationships	No	Chief Executive	14.08.19
Deputy Chief Executive Place	31.05.19	Lunch	H	£25	Haworth Group	Networking and to build good working relationships	No	Chief Executive	14.08.19
Deputy Chief Executive Place	03.06.19	Ricoh Event (Concert tickets)	H	£100	Ricoh Arena	Networking and to build good working relationships	No	Chief Executive	14.08.19

Events marked with a * relate to MIPIM

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Ethics Committee

12 September 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: Six Monthly Review of Members' Declarations of Gifts and Hospitality

Is this a key decision?

No

Executive Summary:

This report sets out details of declarations of gifts and hospitality made by members for the period 1 March to 31 August 2019. The Committee last reviewed these at its meeting on 26 June 2019. The Committee is asked to consider the declarations.

Recommendations:

The Ethics Committee is recommended to consider the gifts and hospitality register entries received from 1 March to 31 August 2019 and to make any recommendations that it considers appropriate.

List of Appendices included:

Appendix 1: Declarations of gifts and hospitality received between 1 March to 31 August 2019.

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Review of Members' Declarations of Gifts and Hospitality

1. Context (or background)

- 1.1 The Ethics Committee has, as part of its work programme, decided to review on a regular basis the declarations of gifts and hospitality made by members. Appendix 1 contains copies of all declarations received from members from 1 March to 31 August 2019.

2. Options considered and recommended proposal

- 2.1 The declarations received since 1 March 2019 up to 23 August are attached as Appendix 1. In total 2 forms have been received from 2 elected members. The Monitoring Officer will report at the meeting if any further declarations are received between 23 and 31 August. There have been no requests by members of the public to view the register during this time.
- 2.2 The Committee is recommended to consider the declarations made in the last six months and to make any recommendations that it considers appropriate.

3. Results of consultation undertaken

- 3.1 None.

4. Timetable for implementing this decision

Any recommendations of the Committee will be implemented within an appropriate time frame.

5. Comments from 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 currently no statutory requirement for members to declare in this way, maintaining a process and register aids transparency and assists the Council in promoting and maintaining high standards of ethical behaviour as is required under section 27 of the Localism Act 2011.

6 Other implications

None

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

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report, but a failure to implement and maintain a system of Declarations of Gifts and Hospitality can impact on the organisation's ethical behaviour and transparency.

6.3 What is the impact on the organisation?

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

6.4 Equality and Consultation Analysis (ECA)

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

6.5 Implications for (or impact on) climate change and 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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Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Place	23.08.19	28.08.19
Names of approvers for submission: (officers and members)				
Graham Clark	Finance	Place	16.08.19	19.08.19
Julie Newman	Legal Services Manager	Place	14.08.19	16.08.19
Barry Hastie	Director of Finance and Corporate Services	Place	16.08.19	20.08.19
Cllr Walsh	Chair of Ethics Committee		23.08.19	28.08.19

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Appendix: Extracts from Members' Register of Gifts and Hospitality: 1 March to 31 August 2019

Name of Elected Member	Cllr Ridley
Position held e.g. cabinet member, shadow cabinet member, elected member etc.	Leader of the Opposition
Date on which gift or hospitality was offered and received or accepted	12.6.19
Person or organisation offering or providing the gift or hospitality and link to the Council if appropriate	Three Spires Guildhall
Full details of what was received	Performance of Wizard of Oz
Actual cost or estimated cost e.g. face value of tickets, price of set menu at venue etc.	£21 x 2 tickets
Justification for accepting the gift or hospitality	To show support for the Three Spires Guildhall
Signature of member:	
Date:	21.6.19

Name of Elected Member	Cllr Andrews
Position held e.g. cabinet member, shadow cabinet member, elected member etc.	Deputy Leader of the Opposition
Date on which gift or hospitality was offered and received or accepted	12.6.19
Person or organisation offering or providing the gift or hospitality and link to the Council if appropriate	EON
Full details of what was received	CBI Annual Dinner – 3 course dinner
Actual cost or estimated cost e.g. face value of tickets, price of set menu at venue etc.	Approx. £75
Justification for accepting the gift or hospitality	Attended the event to continue to support and engage with the business community in Coventry and the wider region.
Signature of member: Date:	 27.6.19



Ethics Committee

12 September 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
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; and

3. Approve the amendments to the Complaints Protocol as set out in Appendix 1.

List of Appendices included: Proposed amendments to the Complaints Protocol

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 C: Essington Parish Council

South Staffordshire District Council's Standards and Resources (Hearings) Sub-Committee has held a hearing into a complaint that Cllr C of Essington Parish Council:

- (1) had failed to declare an interest in relation to his interest in Essington Independent Residents Group in breach of the DPI rules.
- (2) had breached the Parish Council's Code of Conduct in relation to Essington Independent Residents Group by failing to declare this as an "other interest".
- (3) had failed to declare that he was a Director of Wyrley Juniors Football Club Ltd either on the DPI form or at any relevant meeting in breach of the DPI rules.
- (4) had failed to declare an interest in Wyrley Juniors Football Club Ltd as an "other interest" in breach of the Code of Conduct.

The Sub Committee concluded that there had been no breach of the Code in respect of allegations (1) and (2). This was partly because Cllr C did not hold office in the Residents Group "for gain or reward" and partly because it was considered that that it would not have been reasonable or practicable in the circumstances for Cllr C to have declared his membership of Essington Independent Residents Group as it would have factored into almost everything.

Cllr C was an unremunerated director of Wyrley Juniors Football Club Ltd which was trading arm of Wyrley Juniors Football Club (a charity); he was not a trustee of the charity. The Football Club (charity) was a tenant of the Parish Council. Cllr C was, until recently, the Chairman of the Parish Council's only Committee – the Management Committee. The Management Committee dealt with the various

tenancy matters including the tenancy between the Parish Council and the Football Club. Issues relating to the Football Club were considered at all nineteen meetings that took place in 2016, 2017 and 2018. Cllr C was present at all nineteen meetings and was the Chair of the Committee at seventeen. He did not declare any interests at any of the meetings.

The Councillor's position was that he became a Director of Wyrley Juniors Football Club Ltd in 2012. He states that soon after that date he parted company with the Club and that he had believed he was no longer a Director and had been removed.

Regarding allegation (3), the Sub Committee concluded that Cllr C's directorship of Wyrley Juniors Football Ltd, was not a disclosable pecuniary interest, because:

- the tenant of the Parish Council was the Football Club, not the company of which Cllr C was a director and
- Cllr.C was not paid or remunerated in any way in connection with his position as a Non-Executive Director of Wyrley Juniors Football Club Ltd. and although his position can be regarded as an office it was not carried on for profit or gain.

The Sub Committee concluded that therefore there had been no breach.

The Sub Committee decided that whilst the decisions of the Management Committee of the Parish Council bear legally on the Football Club in practice they will have almost the same impact on Wyrley Juniors Football Club Ltd. The Sub Committee therefore found that effectively Cllr C was sitting and voting on the Committee which was managing and enforcing the lease of the Club which owned the company of which he was a Director.

The Sub Committee concluded that as at the date of the Hearing Cllr C remained a director of Wyrley Juniors Football Club Ltd. and that he had not declared an interest. The Sub Committee found that there was a clear conflict of interest arising from Cllr C's position on the Parish Council and his Directorship of Wyrley Juniors Football Club Ltd. and that this should have been declared as an "other interest" and he should not have taken part in considering any items relating to the Football Club.

The Sub Committee concluded that Cllr C had not been as open as possible about his actions. He had not promoted leadership by example nor acted in a way that preserved the confidence of others. He therefore breached the Code of Conduct.

Commentary: this case underlines the importance of elected members being aware of their position in relation to outside bodies and ensuring that they understand what their position is and how it might conflict with their role as a councillor.

1.2.3 Councillor H: Burnley Council

At a meeting in July 2019 the Audit and Standards Committee of Burnley Council held a hearing into a complaint that Cllr H had “liked” and responded to a misogynistic and abusive post about a local MP on his Borough and County Council Facebook account. The complainant was allowed to remain anonymous because of their concerns about how a previous complainant had been treated by the councillor.

The investigation into the complaint noted that in September 2018, the councillor had been the subject of a standards hearing after which he was required to attend social media training but had failed to attend. Cllr H had also refused to engage with the current, second investigation and did not attend the hearing. In correspondence he justified this by saying that nothing would happen as a result of the investigation.

The Hearing Panel found that the action by Cllr H on his County and Borough Councillor Facebook page in liking the language referred to in the report was inappropriate and that his management of his County and Borough Councillor Facebook page was inadequate. The Hearing Panel therefore found that Cllr H had breached the Council’s Code of Conduct for Members in relation to the Leadership Principle. It took the view that Members should promote and support General Principles of the Code of Conduct by leadership and by example and should act in a way that secures or preserves public confidence. Cllr H had behaved in a manner which could reasonably be regarded as breaching this Leadership Principle.

The sanction applied was to publish the decision and report it to full Council for information.

Commentary: Breaches of the Code of Conduct through use of social media is unfortunately commonplace. The councillor’s refusal to participate because, in part, he didn’t think anything would happen as a result, underlines the finding of the Committee on Standards in Public Life that sanctions available to local authorities are inadequate.

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 two new complaints since the date of the last Committee meeting. One complaint relates to two city councillors and is at Stage 1

in the complaints protocol. The other complaint did not relate to an elected member and so has been rejected. An earlier complaint is currently the subject of an investigation.

- 1.3.3 All complaints are handled in accordance with the agreed Complaints Protocol. No findings have been made by the Local Government Ombudsman in relation members of Coventry City Council. No complaints have been received by the Monitoring Officer in respect of a Parish Councillor.

Code of Conduct Training for Parish Councils

- 1.3.4 As reported at the last meeting of the Committee, the Monitoring Officer and Deputy Monitoring Officer have offered to hold training sessions on the Code of Conduct for all three parish councils in the Coventry area. They delivered a session for Keresley Parish Council on 9 July 2019 with 5 of the 6 parish councillors able to attend.

Complaints Protocol

- 1.3.5 As part of its work on incorporating the Best Practice Recommendations of the Committee on Standards in Public Life into its own practices, the Committee agreed at its meeting in July 2019 to amend the Complaints Protocol to include a requirement to consult an Independent Person when the Monitoring Officer and Chief Executive are deciding whether to have a formal investigation into a complaint. Attached at Appendix 1 to this report is a revised Protocol which now requires the involvement of an Independent Person in all cases at Stage 1. The amendments can be found at Paragraph 4.2.

2. Options considered and recommended proposal

Members of the Committee are asked to:

1. Note the cases determined under the standards regime nationally;
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; and
3. Approve the amendments to the Complaints Protocol as set out in Appendix 1.

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 Equality and Consultation Analysis (ECA)

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

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

None at this stage

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Suzanne Bennett	Governance Services Officer	Place	23.08.19	28.08.19
Names of approvers for submission: (officers and members)				
Finance: Graham Clark		Place	16.08.19	19.08.19
Legal: Julie Newman	City Solicitor and Monitoring Officer	Place	14.08.19	16.08.19
Barry Hastie	Director of Finance and Corporate Services	Place	16.08.19	20.08.19
Councillor Walsh	Chair of Ethics Committee		23.08.19	28.09.19

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Appendix 1

COVENTRY CITY COUNCIL

ETHICS COMMITTEE

COMPLAINTS PROTOCOL

1. INTRODUCTION

1.1 This protocol sets out how a complainant (“Complainant”) may make a complaint (“Complaint”) that an elected Councillor or co-opted member of this Council, or of a parish council within its area, (“Councillor”) has failed to comply with their council’s Code of Conduct for Councillors (“Code”).

1.2 The protocol also sets out how the Council will deal with a Complaint.

2. THE CODES OF CONDUCT

2.1 The Council has adopted a Code of Conduct for Elected and Co-opted Members, which is available on the Council’s website.

2.2 Each parish council is also required to adopt a Code of Conduct. The parish councils’ Codes are available:

- (a) on any website operated by the respective parish council;
- (b) on the City Council’s website (if we have been given a copy); or
- (c) on request from the respective parish clerk (“Clerk”).

3. MAKING A COMPLAINT

3.1 In order to ensure that we have all the information which we need to be able to process a complaint, Complaints must be submitted on the standard Complaint Form, which can be downloaded from the Council’s website.

3.2 Complaints must be sent to the Monitoring Officer (see contact details below).

3.3 If a Complaint is received other than on the standard Complaint Form, we will not consider it but we will send the Complainant a copy of the form for completion. If anyone needs assistance completing the form, they can contact the Monitoring Officer.

3.4 Complainants should give us their name and a contact address or email address, so that we can acknowledge receipt of the Complaint and keep them informed of its progress. If a Complainant wants to keep their name and address confidential, they should indicate this on the standard Complaint Form. In this case we would not disclose their name and address to the Councillor without the Complainant’s prior consent. However, the Council does not normally investigate anonymous complaints

or complaints where the Complainant wishes their details to remain confidential, unless there is a clear public interest in doing so.

- 3.5 Within 5 working days of receiving a Complaint, the Monitoring Officer will usually:
- (a) acknowledge receipt to the Complainant;
 - (b) send a copy of the Complaint to the Councillor, unless the Monitoring Officer considers that this may prejudice any investigation;
 - (c) send a copy of the Complaint to the Clerk (where the complaint relates to a parish councillor).

3.5 The Monitoring Officer will also notify the Councillor that they have the right to seek the views of the Independent Person (see paragraph 11 below). The Independent Person's contact details can be obtained from the Monitoring Officer (see contact details below).

3.6 The Monitoring Officer will keep the Complainant, the Councillor and the Clerk (where appropriate) informed of the progress of the Complaint, unless the Monitoring Officer considers that this may prejudice any investigation.

4. WILL THE COMPLAINT BE INVESTIGATED?

4.1 Where possible and appropriate, the Monitoring Officer will seek to resolve the Complaint informally, without the need for a formal investigation. Such informal resolution may involve the Councillor accepting that their conduct was unacceptable and offering an apology, or other remedial action by the Council or the respective parish council.

- 4.2 The Monitoring Officer will review every Complaint received and in conjunction with the Chief Executive, take a decision as to whether it merits formal investigation. They will have regard to, but are not bound to follow, the guidelines set out in Appendix 1. This decision will normally be taken within 15 working days of receipt of the Complaint. Before making the decision, the Monitoring Officer and Chief Executive will consult with the leader of the political group to which the Councillor belongs (if appropriate) and will also consult with the Independent Person as to whether an investigation is appropriate. The Independent Person will be given an opportunity to review and comment on allegations which the Monitoring officer and Chief Executive are minded to dismiss as being without merit, vexatious or trivial.

When the Monitoring Officer has taken a decision, they will inform the Complainant, the Councillor and the Clerk (where appropriate) of their decision and the reasons for that decision.

4.3 Where the Monitoring Officer requires additional information in order to come to a decision, they may ask the Complainant, the Councillor or the Clerk (where appropriate) for such information. Where a Complaint relates to a parish councillor, the Monitoring Officer may also seek the views of the respective parish council before deciding whether the Complaint merits formal investigation.

4.4 If the Complaint alleges criminal conduct or breach of a regulation by any person, the Monitoring Officer has the power to call in the Police and/or other regulatory

agencies. In such cases it may be necessary to postpone consideration of the Complaint until the Police or other action has been concluded.

4.5 If the Monitoring Officer decides not to investigate a Complaint, they will nevertheless report this to the next ordinary meeting of the Ethics Committee and to the relevant parish council (where appropriate) for information.

5. HOW IS AN INVESTIGATION CONDUCTED?

5.1 If the Monitoring Officer decides that a Complaint merits formal investigation, they will, where appropriate after consultation with the Independent Person, appoint an Investigating Officer who may be another senior officer of the Council, an officer of another Council or an appropriately experienced external investigator.

5.2 The Investigating Officer will decide whether they need to meet or speak to the Complainant to understand the nature of the Complaint and so that the Complainant can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who they need to interview.

5.3 The Investigating Officer would normally write to the Councillor and ask them to provide their explanation of events, and to identify what documents the Investigating Officer needs to see and who they need to interview. In exceptional cases, the Investigating Officer may delay notifying the Councillor until the investigation has progressed sufficiently.

5.4 At the end of the investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the Complainant and to the Councillor, to give them both an opportunity to identify any matter in that draft report with which they disagree or which they believe requires more consideration.

5.5 Having received and taken account of any comments on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

6. WHAT HAPPENS IF THE INVESTIGATING OFFICER CONCLUDES THAT THERE IS NO EVIDENCE OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT?

6.1 The Monitoring Officer will review the Investigating Officer's report. If they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will send a copy of the Investigating Officer's final report to the Complainant, the Councillor, the Independent Person and the clerk of the parish council (where appropriate) and notify them that they are satisfied that no further action is required. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he or she may ask the Investigating Officer to reconsider their report.

6.2 The outcome of such investigations will be reported to the next ordinary meeting of the Ethics Committee and the relevant parish council (where appropriate) for information.

7. WHAT HAPPENS IF THE INVESTIGATING OFFICER CONCLUDES THAT THERE IS EVIDENCE OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT?

7.1 The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing by the Ethics Committee or, after consulting the Independent Person, seek Summary Resolution (see below).

Summary Resolution

7.2 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with the Complainant and seek to agree what they consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such a resolution may include the Councillor accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Council or the relevant parish council (where appropriate).

7.3 If the Councillor complies with the suggested resolution, the Monitoring Officer will report the matter to the Ethics Committee and the relevant parish council (where appropriate) for information, but will take no further action.

Referral for Hearing

7.4 If the Monitoring Officer considers that Summary Resolution is not appropriate, or the Councillor does not comply with any suggested resolution, then the Monitoring Officer will refer the Investigating Officer's report to the Ethics Committee for a hearing to decide whether or not the Councillor has failed to comply with the respective Code of Conduct and, if so, whether to take any action in respect of the Councillor.

Hearing Procedure

7.5 The Monitoring Officer will conduct a "pre-hearing process", requiring the Councillor to give their written response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing.

7.6 The Chair of the Ethics Committee may issue directions as to the manner in which the hearing will be conducted.

7.7 The procedure for hearings is set out in Appendix 2: Hearing Procedure.

7.8 The Investigating Officer may ask the Complainant to attend the hearing to give evidence. The Complainant does not otherwise have the right to speak at the hearing but they may usually attend as a member of the public.

8. WHAT ACTION CAN THE STANDARDS COMMITTEE TAKE WHERE A COUNCILLOR HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT?

8.1 The Council has delegated to the Ethics Committee such of its powers to take action in respect of individual councillors as may be necessary to promote and maintain high standards of conduct.

8.2 The sanctions available to the Ethics Committee are set out in Appendix 2: Hearing Procedure.

9. WHAT HAPPENS AFTER A HEARING?

9.1 As soon as reasonably practicable, the Monitoring Officer will prepare a formal decision notice, in consultation with the Chair, and send a copy to the Complainant, the Councillor and the clerk of the parish council (where appropriate). They will also make that decision notice available for public inspection on the Council's website for at least 12 months after the hearing.

10. WHO ARE THE ETHICS COMMITTEE?

10.1 The Ethics Committee is a committee of the City Council. It is appointed by the City Council and comprises five Councillors and must reflect the political make-up of the council.

11. WHO IS THE INDEPENDENT PERSON?

11.1 The Independent Person is a person who has been appointed by a majority of all the Councillors on the City Council.

11.2 A person cannot be the Independent Person if they:

- (a) are, or have been within the past 5 years, a Councillor, co-opted member or officer of the Borough Council;
- (b) are or have been within the past 5 years, a Councillor, co-opted member or officer of a parish or town council within the Council's area, or
- (c) are a relative, or close friend, of a person within (a) or (b) above.

11.3 In 11.2(c) above, "relative" means:

- (a) A spouse or civil partner;
- (b) Someone living with the other person as husband and wife or as if they were civil partners;
- (c) A grandparent of the other person;
- (d) A lineal descendent of a grandparent of the other person;
- (e) A parent, sibling or child of a person within sub-paragraphs 11.3(a) or (b);
- (f) A spouse or civil partner of a person within sub-paragraphs 11.3(c), (d) or (e);
or
- (g) Someone living with a person within sub-paragraphs 11.3 (c), (d) or (e) as husband and wife or as if they were civil partners.

11.4 The Independent Person is invited to attend all meetings of the Ethics Committee. Their views are sought and taken into consideration:

- (a) before the Monitoring Officer decides whether to investigate a Complaint in the circumstances set out in paragraph 4.2 above;
- (b) before the Monitoring Officer decides whether to refer an investigated Complaint for hearing or for Summary Resolution;
- (c) before the Committee takes any decision on whether the Councillor's conduct constitutes a failure to comply with the respective Code of Conduct; and

(d) as to any action to be taken following a finding of failure to comply with the respective Code of Conduct.

11.5 The Independent Person can also be consulted by the Councillor.

12. APPEALS

12.1 There is no right of appeal for the Complainant or for the Councillor against a decision of the Monitoring Officer or of the Ethics Committee.

12.2 If someone feels that the City Council has failed to deal with a Complaint properly, they may make a complaint through the Council's ordinary complaints process. This process would not re-consider the original complaint but would consider the way in which that complaint had been handled.

13 REVISION OF THESE ARRANGEMENTS

13.1 The Ethics Committee may amend these arrangements, and has delegated to the Chair of the Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

14 CONTACT DETAILS

14.1 The Council's Monitoring Officer is:

Julie Newman
Coventry City Council
Council House
Earl Street
Coventry
CV1 5RR



Ethics Committee

12 September 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 2019/20

Is this a key decision?

No

Executive Summary:

This report updates the Ethics Committee on its approved work programme for the rest of this Municipal Year. The Committee is asked to consider the work programme and make any suggestions for additional or alternative reports. The Work Programme again includes a separate table showing the actions to be taken in connection with the CSPL's Best Practice Recommendations for local authorities contained in its report which the Committee has previously discussed at its meeting in March 2019.

Recommendations:

The Ethics Committee is recommended to review the work programme attached as Appendix 1 and the Table of Best Practice Recommendations at Appendix 2 and make any changes or amendments the Committee considers appropriate.

List of Appendices included:

Appendix 1: Work programme

Appendix 2: Table of Best Practice Recommendations

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 2019/20

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, at Appendix 1, the programme of work agreed by the Committee, which 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. It also includes, at Appendix 2, a table setting out the Best Practice Recommendations of the Committee on Standards in Public Life annotated to show current progress.

1.2 The Committee's work programme takes account of the need to promote standards and addresses this in a number of ways. Beyond the regular reports which the Committee receives each year, no additional topics have been included to allow work on the Best Practice Recommendations to proceed as set out in the table at Appendix 2. The work programme is, however, 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.

2. Options considered and recommended proposal

2.1 The work programme includes regular items on:

- Code of Conduct/ Monitoring Officer Update
- Declarations of gifts and hospitality by members and officers
- Ethical standards in parish councils
- Annual report to full Council
- CSPL annual report

2.2 In addition the two reviews of members' gifts and hospitality and declaration of interests have been included in the work programme for the Committee's meeting in December.

2.3 Recommendation

The Ethics Committee is recommended to review the work programme attached as Appendix 1 and the Table of Best Practice Recommendations at Appendix 2 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 Equality and Consultation Analysis (ECA)

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

6.5 Implications for (or impact on) climate change and 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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Names of approvers for submission: (officers and members)				
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Director: Barry Hastie	Director of Finance and Corporate Services	Place	16.08.19	20.08.19
Cllr Walsh	Chair: Ethics Committee		23.08.19	28.08.19

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

Appendix 1: Work Programme for the Municipal year 2019/2020

Meeting no. and date	Topics
2019/20	
12 September 2019	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Officers Gifts and Hospitality -Inspection of Registers for first 6 months of 2019.
	Members Gifts and Hospitality -Inspection of Registers for first 6 months of 2019.
	Standards in Public Life- update from national body usually published in August each year.
	Work Programme 2019/20
5 December 2019	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Review of Members' Gifts and Hospitality policy and guidance
	Review of Declaration of Interests guidance for Members
	Work Programme 2019/20
19 March 2020	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Officers Gifts and Hospitality -Inspection of Registers for last 6 months of 2019.
	Members Gifts and Hospitality -Inspection of Registers for last 6 months of 2019.
	Work Programme 2020/21

Appendix 2: Best Practice Work Programme

	Best Practice	Action	Status
1	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	Add Newcastle – Upon-Tyne definition into code of conduct Consider whether a paragraph could be inserted into the Employee's Code of	New code to be drafted Confirmed is within policy - completed

		Conduct as well	
2	Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.	<p>Include statement in code must comply</p> <p>Check prohibition on trivial or malicious allegations</p>	<p>New Code to be drafted</p> <p>Covered through the sifting process at Stage 1. - completed</p>
3	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	<p>Ensure easily available to public</p> <p>Include on work programme for cttee annually</p> <p>MO to take local MO groups to share codes across neighbouring authorities</p>	<p>Is on intranet – completed</p> <p>Taken to Heads of Legal Group WMCA and agreed</p>
4	An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises	<p>Check web editors re prominence on website – see where the relevant forms are & whether easy for members of the public to use</p> <p>Customer service to be advised as how can access on website to provide to any customers who call</p>	Completed
5	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.	Web editors to advise	
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Web editors to advise	
7	Local authorities should have access to at least two Independent Persons.		Completed
8	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit,	Amend complaint process to include this stage	Completed subject to the approval of the Committee.

	vexatious, or trivial.		
9	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.		Completed
10	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	Check accessible on website Review timescales and include in process	Completed
11	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances	Write to Parish Councils and offer assistance in reviewing their codes to include this action and best practice actions	Completed
12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.		Completed
13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	Raise at Heads of Legal WMCA group to seek agreement can call on neighbouring authorities when there is potential conflict.	Completed
14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.	Consider as part of next annual governance statement - 19/20	
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Set up quarterly meeting with group leader, Deputy Leader and whips. CEO, S151 officer and MO.	

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