

Coventry City Council
Minutes of the Meeting of Ethics Committee held at 10.30 am on Thursday, 3
December 2020

Present:

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

Employees:- S Bennett, Law and Governance
 C Bradford, Law and Governance
 S Chun Lam – Public Health and Wellbeing
 S Harriot, Law and Governance
 J Newman, Director of Law and Governance and
 Monitoring Officer
 M Rose, Law and Governance
 A West, Law and Governance

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

Public Business

17. Declarations of Interest

There were no declarations of interest.

18. Minutes

The Minutes of the meeting held on 8 October, 2020 were agreed and signed as a true record.

There were no matters arising.

19. Complaints to the Local Government and Social Care Ombudsman 2019/20

The Committee considered a report of the Deputy Chief Executive which set out the number, trends and outcomes of complaints to the Local Government and Social Care Ombudsman (LGSCO) relating to Coventry City Council in 2019/20. It focused on upheld complaints, service areas with a high number of complaints, compliance with the Ombudsman's recommendations, learning from complaints, and how the Council compared to previous years and to other local authorities.

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.

Coventry City Council's complaints policy set out how individual members of the public could 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 a Council decision after they have exhausted the Council's own complaints process.

Every year the LGSCO issues an Annual Letter to the Leader and Chief Executive of every Council summarising the number and trends of complaints dealt with in each Council that year. The latest letter issued July 2019, covers complaints to Coventry City Council between April 2019 and March 2020 (2019/20). Mid-March 2020 saw an abrupt pause to the Ombudsman's casework in response to the exceptional operational challenges local authorities and care providers faced because of the Covid-19 pandemic. The Ombudsman resumed some casework at the end of May and started taking new complaints again at the end of June 2020.

The report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2019/20. In particular, it focuses on upheld complaints, service areas with a high number of complaints, compliance with Ombudsman's recommendations, learning from complaints, and how we compare to previous years and other local authorities.

RESOLVED that the Ethics Committee:-

- 1. Notes the Council's performance in relation to complaints to the LGSCO.**
- 2. Notes the Council complaints process and guidance.**

20. Conference and Travel Policy

The Committee considered a report of the Director of Law and Governance which indicated that the Conference and Travel Protocol at Part 4E of the Constitution sets out the procedure for Councillors wishing to attend conferences, seminars or fact-finding visits or inspections. It also deals with foreign travel by both Councillors and employees. The Protocol had not been reviewed for some years.

As part of a wider review of the Constitution, Council on 8 September 2020 resolved that:

- (a) The Conference and Travel Protocol be removed from the Constitution;
- (b) Officers be authorised to produce a policy for the approval of conference and travel costs for members and officers;
- (c) Once drafted, the policy be approved by Ethics Committee;
- (d) A register of travel and conference attendance costing more than £500 and all travel outside of the UK be maintained and published; and
- (e) The register of travel and conference costs be scrutinised by Ethics Committee twice a year.

Attached as an Appendix to the report was a draft revised Conference and Travel Policy for consideration and approval by the Committee. The purpose of the new policy is to ensure that there is clarity and transparency in the process, not to

increase or decrease the cost of such activities. Therefore, it is not expected that there will be any financial implications arising from the recommendations of this report.

The draft Policy provides that:

- travel and conference attendance for officers and members requires the approval of the appropriate budget holder;
- the requirement for members to seek Cabinet Member approval for attendance at conference is removed (subject to the approval of the appropriate budget holder)
- any expenditure which is likely to be £500 or more (including subsistence costs) must be entered onto a public register, together with all travel outside the UK; and
- the register will be scrutinised by the Committee twice a year, which is in line with its current practice on scrutiny of gifts and hospitality received by members and officers.

The introduction of a public register and scrutiny by the Committee provides a measure of openness and transparency which is not present in the current Protocol. For example, having a register online will make it easier for members of the public to see the extent of travel and attendance at conferences than at present.

The Committee sought clarification on a number of points, particularly in relation to Cabinet Members being involved in the decision- making process.

In relation to this, it was proposed that the draft Policy be amended to require that approval for attendance by budget holders be undertaken following consultation with the relevant Cabinet Member.

It was also noted that Members of Scrutiny would be able to view the public register and clarified that Councillors may still be required to submit a report to Scrutiny outlining the benefits of attendance at any conference etc where the cost to the City Council, including travel and subsistence costs does not exceed £500.

RESOLVED that, subject to the amendments detailed above in relation to approval by budget holders to be undertaken following consultation with the relevant Cabinet Member and the scrutinising of attendance at any conference where the cost does not exceed £500, the Conference and Travel Policy be approved.

(Note: The revised Policy is attached as an Appendix to these Minutes)

21. **Civility in Public Life**

The Committee considered a report of the Director of Law and Governance which indicated that the Committee had requested that Civility and Intimidation in Public Life remains part of their Work Programme.

The Local Government Association (LGA) has been coordinating a programme of work entitled 'Civility in Public Life' primarily aimed at:

- articulating good standards for anyone engaging in public and political discourse
- understanding the scale and impact of intimidation and abusive behaviour on membership organisations, and develop recommendations for achieving positive debate and public decision-making on a local level
- supporting LGA members and all democratically elected local representatives in addressing intimidation and abuse, so they deliver the best on behalf of their communities

Improving digital citizenship is a key element of the LGA's civility in public life work and is becoming increasingly important as our daily interactions continue to take place online and new technologies of information are constantly used to facilitate communication with citizens, officers and councillors. Online abuse and intimidation of local councillors and supporting officers working with them is a major challenge to local democracy and to the diversity of our local representatives.

The LGA has published a Councillors guide to handling intimidation that provides practical steps that elected members and the Council can take to protect persons in public position.

Before the Covid pandemic a piece of work was being undertaken, sponsored by the Cabinet Member for Policing and Equalities, on the Consultation outcome that looked at challenges for City Council elected Members and how to support participation in public service. More recently this work has been picked up in the review of the offer to elected Members around Member support as a result of a different emerging landscape for elected members to operate in post Covid.

A consultation "Leader of our Communities – Can we improve our service" was sent to all Members. Overall, there were 31 responses received to the survey out of a possible total of 54. Responses from the consultation included experiences of intimidation and what support would help in managing or preventing such situations. These consultation responses have been evaluated and are informing a targeted approach to supporting Members in this area. One part of the proposed response being to raise awareness of the LGA guidance on intimidation and harassment alongside additional local protocol and guidance. Further actions

being considered include a review of the social media policy to include responses to online harassment.

Civility in public life is also supported through adherence to the requirements of the Code of Conduct for Elected and Co-opted Members in treating others with respect. This is enhanced in the new model code of conduct that the LGA is proposing to be adopted at its board meeting in December and which the Committee will be considering.

RESOLVED that the Ethics Committee:-

- 1. Notes the work that has been undertaken by the LGA in promoting civility in public life**
- 2. Supports the work that is taking place locally to adopt civility in public life**
- 3. Requests that this item remains on the Work Programme of the Ethics Committee for continued review.**

22. Code of Conduct Update

The Committee considered a report of the Director of Law and Governance which provided an update on national issues in relation to the ethical behaviour of elected Members and the local position in Coventry with regard to Code of Conduct issues.

The Committee on Standards in Public Life has written to all local councils asking them to complete a questionnaire on progress against the 15 Best Practice Recommendations included in its January 2019 report on standards in local authorities. Attached as the Appendix to the report was the questionnaire completed on behalf of the Council.

The consultation by the Local Government Association (LGA) on its draft Model Code of Conduct ran from 8 June to 17 August 2020. The LGA has indicated that there has been overwhelming support for the draft Code. Some of the main points to come out of the consultation are:

- Whether the Code should be written in the first or third person
- Respect or civility?
- More emphasis on social media and confidentiality
- Threshold for gifts and hospitality
- Examples needed to accompany the guidance
- Obligation to comply with the Equality Act
- Obligation to co-operate with an investigation
- Compulsory training for members
- Sanctions

The revised draft Code was considered at a LGA Councillors Forum on 22 October and a final version will be presented to the LGA Board for approval on 3 December. The final Code will then be published. Subject to the Committee's approval, the Committee's Work Programme has been amended to include an additional meeting in mid-January 2021 to consider a new Code of Conduct based on the LGA Model.

The report also provided details of complaints under the Code of Conduct received by the Monitoring Officer.

RESOLVED that the Ethics Committee:-

- 1. Notes the cases determined under the standards regime nationally;**
- 2. Notes the local position relating to the operation of the Council's Code of Conduct and delegates any actions arising from these to the City Solicitor and Monitoring Officer, in consultation with the Chair of the Ethics Committee: and**
- 3. Agrees to an additional meeting of the Committee being held in mid-January 2021 to consider a new Code of Conduct based on the Model Code of Conduct to be published by the Local Government Association.**

23. Work Programme for Ethics Committee 2020/21

The Committee considered a report of the Director of Law and Governance which set out the previously approved Work Programme for the Committee for the remainder of the Municipal Year 2020/21. The Work Programme again included a separate table showing the actions to be taken in connection with the Committee on Standards in Public Life's Best Practice Recommendations for local authorities contained in its report of January 2019.

RESOLVED that the Committee notes the Work Programme.

24. Any Other Items of Urgent Public Business

There were no other items of urgent business.

(Meeting closed at 11.10am)

POLICY FOR THE APPROVAL OF CONFERENCE ATTENDANCE AND TRAVEL FOR COUNCILLORS AND EMPLOYEES

1. Introduction

- 1.1 The purpose of this Policy is to ensure that there is clarity and transparency in the process for authorising travel by both elected members and employees and for authorising elected members to attend conferences, seminars or fact-finding visits or inspections.
- 1.2 In this Policy “Conferences” includes seminars, working parties, fact-finding visits and inspections. It also includes:
- (a) Conferences in respect of which, historically, there has been “standing” approval for certain Councillors, defined by role, to attend (e.g. certain teacher conferences);
 - (b) All inspections or fact-finding visits outside the City Council boundary;
 - (c) All visits abroad by councillors (including by the Lord Mayor and civic delegations) to countries outside Europe, irrespective of whether a conference or seminar is part of the programme. In considering requests for foreign travel outside Europe by the Lord Mayor, the budget holder will take into account the discretion of the Lord Mayor to undertake foreign trips in accordance with the objectives of the mayoralty.
- 1.3 The Policy also applies to Employees when they wish to accompany a Councillor either in the UK or abroad. Foreign visits by employees without Councillors are dealt with at paragraph 5 below.

2. Attendance at Conferences by Councillors

- 2.1 Any Councillor (including Cabinet Members) or Member of the Strategic Management Board who believes that it would be appropriate to have Councillor representation at a conference must obtain prior authority to do so where the total cost (including conference fees, travel and subsistence) is likely to exceed £500. The Councillor or Member of Strategic Management Board must complete a “Conferences/Seminars Authority for Attendance” form and send it together with details of the Conference to the budget holder responsible for the appropriate service area, with a recommendation as to who should attend. The budget holder will consider the request following consultation with the relevant Cabinet Member.

- 2.2 When a request for authority for attendance at a conference is submitted, the costs involved must also be identified, together with the relevant budget code from which those costs are to be funded.
- 2.3 Where the event includes attendance with other participants as part of a group, the total number of participants must be shown on the form. This applies irrespective of whether the City Council is funding the costs of those other participants.
- 2.4 An approval granted under this Policy can only cover one visit or journey. If further travel is required as part of an on-going project, then a separate application will need to be made for each visit or journey.
- 2.5 Details must be given on the form of anyone, who is not a Councillor or employee, and who is travelling with the Councillor or employee and for whom some or all of the costs of their travel, accommodation or other expenses are being paid by the Councillor or employee or individual concerned.
- 2.6 Copies of the form are available from the Governance Services team.

3. Reporting on Conferences and Visits

- 3.1 The relevant Scrutiny Board or Scrutiny Co-ordination Committee may request that a councillor provides a report on any conference that he or she has attended. Likewise, the Scrutiny Co-ordination Committee may request a report on any visits/conferences attended by the Lord Mayor.

4. Exclusions

This Policy does not apply to:-

- (a) Visits by a Cabinet Member/Cabinet/Scrutiny or City Council Committee, where the visit is part of a meeting for the purposes of inspection and the visit is to an establishment within the City Council boundary.
- (b) Regular (bi-monthly or quarterly) meetings of the board of management or similar of a “professional” institute or body to which the Council belongs (such as the Management Committee of the Local Government Information Unit).

- (c) Meetings (and associated national conferences and exhibitions) of bodies of which the Council is a member e.g. the Local Government Association, unless absence from the City for two or more days is involved.
- (d) Attendance at any conference etc where the cost to the City Council, including travel and subsistence costs does not exceed £500. However, councillors may still be required to submit a report to Scrutiny outlining the benefits of attendance.
- (e) Visits by the Lord Mayor/Deputy Lord Mayor within Europe.

5. Approval of Travel by Employees

Except where an employee wishes to accompany a Councillor either in the UK or abroad (as stated in paragraph 1.3), attendance at conferences and travel, either in the UK or abroad by employees are not covered by this policy. Approval of such attendances or travel will be in accordance with normal Directorate procedures.

6. Register of Attendances at Conferences and Travel

All instances where Councillors and employees attend conferences or travel in the UK where the cost including subsistence exceeds £500 will be recorded on a register and published on the Council's website. This includes occasions when employees are travelling or attending conferences without being accompanied by a Councillor, as well as when they do. All instances of travel abroad by Councillors or employees, regardless of the cost, must be recorded in the register.