
Ethics Committee

19 December 2014

Name of Cabinet Member:
Ethics Committee

Director Approving Submission of the report:
Executive Director for Resources

Ward(s) affected:
Not applicable

Title: Review of Operation of Ethical Standards in Parish Councils

Is this a key decision?
No

Executive Summary:

At its meeting on 29 August the Committee asked for a report back to this meeting on how parish councils operate and the operation of the ethical standards regime in parish councils within the city. In particular, the Committee asked for information about whether the parish councils within Coventry have any information on their websites about how to deal with complaints, their register of interests and other information such as parish precepts and members allowances.

Recommendations:

The Ethics Committee is recommended to consider the report and decide whether any further work on this topic should be undertaken.

List of Appendices included:

None

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Review of Operation of Ethical Standards in Parish Councils

1. Context (or background)

1.1 At its last meeting on 29 August 2014 the Committee asked for a report back to this meeting on the operation of the ethical standards regime in parish councils within the City. In particular, the Committee asked for information about whether the parish councils within Coventry have any information on their websites about how to complain about parish councillors, their register of interests, and general information relating to parish precepts and members allowances.

2. Options considered and recommended proposal

2.1 Status and Functions of Parish Councils

2.1.1 Parish councils are the most local tier of elected local government. The size of parishes, their electorates and spending power vary from one council to the next. Parish councils can adopt one of a number of different 'styles' such as 'village', 'town', 'neighbourhood' or 'community' council but they remain as parish councils and the style adopted has no effect on the status or legal powers available to the council. Much of the workings of parish councils is still governed by the Local Government Act 1972.

2.1.2 There are around 9,500 parish councils in England but these only cover about 30% of the population and are mainly found in rural areas Parish Councils may set allowances for their members but in practice it is understood that few do.

2.1.3 Parish councils may raise a 'precept' on the council tax bills produced by their local billing authority (in our case, the City Council). This is essentially a demand for a sum to be collected through the council tax system. Council tax-payers cannot refuse to pay it, and the billing authority cannot refuse to levy it. It is the only source of tax revenue available to parish councils.

2.1.4 In 2013-14, data on parish precepts showed that a total of £367 million was collected via the parish precept. This was 1.6% of total collected council tax. 8,805 parish councils raised a precept.

2.2 Parish Councils in Coventry

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

	Allesley Parish Council	Keresley Parish Council
Number of Seats on Council	8	7
Number of councillors (as at November 2014)	8	6
Members' allowance paid?	No	No

Funding for 2014-15:	Precept Grant payment TOTAL	£3,075 <u>£ 730</u> <u>£ 3,805</u>	Precept Grant TOTAL	£1,723 <u>£ 409</u> <u>£ 2,132</u>
Average cost to Band D property	£10.31 per annum		£8.25 per annum	

2.3 Operation of Ethical Standards in Parish Councils

2.3.1 Officers have contacted the Parish Clerks of both parish councils to seek information about how they perceive the ethical standards regime is operating within their council. The current position with regard to the operation of the ethical standards regime is as follows:

2.3.2 Adoption of Code of Conduct

Both Parish Councils have adopted a Code of Conduct as required by the Localism Act 2011. Allesley Parish Council's code was adopted on 22 October 2012 and is based on the National Association of Local Council's Model Code of Conduct. It is attached at Appendix 1 to this report. Keresley Parish Council's code was adopted on 25 September 2012 and is based on the City Council's code. It is attached at Appendix 2 to this report.

2.3.3 Completion of Register of Disclosable Pecuniary Interests

Allesley Parish Council has forwarded completed declarations of disclosable pecuniary interests for 5 of the 8 parish councillors. These appear on the City Council's Register of Pecuniary Interests. Other councillors, who have not completed a form, appear to be relying upon the fact that they are technically only required to submit a form when they are appointed or re-appointed to the parish council.

Five Keresley parish councillors completed forms. All but one of these have been forwarded to the City Council's Monitoring Officer and these appear on the public register. All of the five councillors' forms appear on the Parish Council's website. The Clerk has informed the Monitoring Officer of a sixth councillor and she is awaiting receipt of a completed form for that councillor.

2.3.4 Declaration of Interests at Meetings

Allesley has standing items on each agenda for the declaration of pecuniary and other interests and for requests for dispensations. The Clerk has confirmed that councillors understand the need to declare interests at meetings. It is a legal requirement that if a councillor declares a Disclosable Pecuniary Interest at a meeting and this is not on his or her register of interests, they must notify the Monitoring Officer within 28 days of the meeting.

The Clerk to Keresley Parish Council has indicated that there is always an item on the agenda to allow members to declare any interests in items on the agenda.

2.3.5 Advice on how to Complain and Complaints about Parish Councillors

Neither parish council has any information on their websites about how members of the public can complain about councillors. Both do, however, have information about how to get in touch with the parish council or clerk.

The Clerk to Allesley Parish Council has confirmed that she will add a link to the City Council's webpage on how to complain about a councillor on the Parish Council's website, as has the Clerk to Keresley Parish Council. The Monitoring Officer has forwarded the link to both parish clerks.

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

3. Results of consultation undertaken

The advice and views of the Clerks to Allesley and Keresley Parish Council have been sought and their comments, where received, are incorporated into this report.

4. Timetable for implementing this decision

Not applicable

5. Comments from Executive Director, Resources

5.1 Financial implications

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

5.2 Legal implications

There are no specific legal implications arising from this report.

6. Other implications

None

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

Not applicable.

6.2 How is risk being managed?

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

6.3 What is the impact on the organisation?

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

6.4 Equalities / EIA

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

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

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ALLESLEY PARISH COUNCIL
MEMBERS' CODE OF CONDUCT Adopted 22nd October 2012

Introduction

Pursuant to Section 27 of the Localism Act 2011, Allesley Parish Council (the Council) has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.

8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests at meetings

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

15. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Appendix A

Interests described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

**'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix B

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

Member Code of Conduct Keresley Parish Council

In the following, 'the Council' means Keresley Parish Council and 'Monitoring Officer' means the Clerk of the Council.

I being a duly elected Councillor/Co-opted Member for Keresley Parish Council hereby declare that I will undertake my duties as follows:

1. I will represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
2. **As a holder of public office** and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council:
 - a. **SELFLESSNESS:** I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.
 - b. **INTEGRITY:** I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
 - c. **OBJECTIVITY:** I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.
 - d. **ACCOUNTABILITY:** I am accountable for my decisions and actions to the public and must submit myself to whatever scrutiny is appropriate to my office.
 - e. **OPENNESS:** I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.
 - f. **HONESTY:** I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.
 - g. **LEADERSHIP:** I will promote and support these principles by leadership and example.
3. As a Member of the Council I will act in accordance with the principles in paragraph 2 and, in particular, I will
 - a. Champion the needs of residents - the whole community and all my constituents, including those who did not vote for me - and put the public interest first.
 - b. Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
 - c. Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Parish or the good governance of the Council in a proper manner.

- d. Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member/Co-opted Member of this Authority.
- e. Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit.
- f. Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
- g. Contribute to making the Council's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.
- h. Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.
- i. Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- j. Always treat people with respect, including the organisations and public I engage with and those I work alongside.
- k. Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.

4. Gifts and Hospitality

4.1. I will, within 28 days of receipt, notify the Parish Clerk in writing of any gift, benefit or hospitality with a value in excess of £25 which I have accepted as a member from any person or body other than the authority.

4.2 I acknowledge that the Parish Clerk will place my notification on a public register of gifts and hospitality, and pass details on to Coventry City Council Monitoring Officer.

4.3 I am aware that this duty to notify the Clerk does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

5. Register of Interests

5.1 I will register and, where appropriate, disclose those disclosable pecuniary interests that I am obliged to declare under the Localism Act and associated regulations; and I will do this by completing, signing and submitting the prescribed form to the Clerk. I will keep the register updated and acknowledge that its contents will be published on the Council's website and will be open to the public to inspect.

6. Disclosable Pecuniary Interests Entered on the Register

6.1 I understand that if I am present at a meeting of the Council and

- a. I am aware that I have a disclosable pecuniary interest under paragraph 5.1.a above in any matter to be considered or being considered at the meeting; and
- b. the interest is entered in the Council's register

I may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have such an interest; and I will leave the room where the meeting is held while any discussion or voting takes place.

7. Disclosable Pecuniary Interests NOT Entered on the Register

7.1 I understand that if I am present at a meeting of the Council and

- a. I am aware that I have a disclosable pecuniary interest under paragraph 5.1.a above in any matter to be considered or being considered at the meeting; **and**
- b. the interest is not entered in the Council's register,

I must disclose the interest to the meeting. Furthermore, I may not participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and I will leave the room where the meeting is held while any discussion or voting takes place.

7.2 I also understand that if an interest referred to in 7.1 above is not entered on the Council's register and is not the subject of a pending registration, I must notify the Clerk of the interest within 28 days of the date of the disclosure.

7.3 If I am a member who has the power to discharge a council function acting alone, I understand that if I am aware that I have a disclosable pecuniary interest in any matter to be dealt with or being dealt with by me in the course of discharging that function:

- a. I may not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by me); **and**
- b. If the interest is not entered on the Council's register and is not the subject of a pending registration, I must notify the Clerk of the interest within 28 days of becoming aware of the interest.

8. Other Relevant Interests

8.1 I understand that I have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:

- a. a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of me or a member of my family or a person with whom I have a close association, to a greater extent than it would affect the majority of the Parish Precept payers, ratepayers or inhabitants of the Parish; and
- b. the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest

8.2 I acknowledge that if I have an Other Relevant Interest as described in 8.1. above,—

- a. I will make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent; **and**

b. I will not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have an Other Relevant Interest at any meeting at which I am present and I will leave the room where the meeting is held while any discussion or voting takes place.

Signed:.....

Full name:

Date:

