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Ethics Committee

9<sup>th</sup> December 2016

**Name of Cabinet Member:**

N/A- Ethics Committee

**Director Approving Submission of the report:**

Executive Director, Resources

**Ward(s) affected:**

**Not applicable**

**Title: Review of Ethical Standards in Parish Councils**

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**Is this a key decision?**

No

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**Executive Summary:**

The Committee's work programme includes a report on the operation of the ethical standards regime in parish councils within the city. The Committee last considered this topic in December 2014. Since then a new parish council, Finham, has been established since 1 April 2016 with new councillors elected in May 2016.

The Acting Monitoring Officer has contacted the Clerks to all three parish councils and asked them to provide information about how ethical standards are maintained within the parish councils. The information provided is summarised in paragraph 2.3 of the report.

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

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

**Recommendations:**

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

**List of Appendices included:**

None

**Other useful background papers:**

None

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

No

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

No

**Will this report go to Council?**

No

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

### 1. Context (or background)

- 1.1 The Committee's work plan for 2016/17 includes an item to review the operation of ethical standards in parish councils in the City Council's area. The Committee last considered this matter in December 2014 since when a new parish council, Finham, has been established.
- 1.2 This report sets out some background information about parish councils nationally and then gives some general information about the three parish councils in Coventry. The final section gives more detailed information about how ethical standards, openness and transparency are maintained within the three councils.

### 2. Options considered and recommended proposal

#### 2.1 Status and Functions of Parish Councils

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

#### 2.2 Parish Councils in Coventry

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

	<b>Allesley Parish Council</b>	<b>Finham Parish Council</b>	<b>Keresley Parish Council</b>
Number of Seats on Council	8	10	7
Number of councillors (as at	7	10	6, but an additional councillor has been

4 <sup>th</sup> November 2016)			appointed with effect from 15 November
Members' or chair's allowance paid?	Yes: Chair's allowance £50 per annum	No	No
Funding for 2016-17:	Precept 8,125 Grant <u>621</u> TOTAL <u>£8,836</u>	Precept 20,455 Grant <u>3,821</u> TOTAL <u>£24,276</u>	Precept 1,457 Grant <u>354</u> TOTAL <u>£1,811</u>
Precept charge per Band D property	£25.53 per annum	£13.94 per annum	£6.44 per annum

### **2.3 Operation of Ethical Standards in Parish Councils**

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

2.3.2 Officers have contacted the Parish Clerks of all three 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:

#### **2.3.3 Adoption of Code of Conduct**

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

It is too early for Finham to have reviewed its Code of Conduct and Keresley has not reviewed its Code since it was introduced. Both Finham and Keresley publish a copy of their Code of Conduct on their website.

#### **2.3.4 Completion and Review of Register of Disclosable Pecuniary Interests**

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

Following the training provided by the Acting Monitoring Officer in July and October, a number of parish councillors have updated their forms. Finham Parish Council has a standing item on its agenda reminding councillors to keep their register under review and has indicated that forms will be reviewed annually. Keresley councillors review their declarations annually.

### *2.3.5 Declaration of Interests at Meetings*

All three Parish Councils have a standing item on each agenda asking members to declare any interests. In the last 12 months, there have been two individual declarations of interest at Keresley Parish Council meetings and two at Finham since its meetings started in May 2016.

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

### *2.3.6 Standing Orders*

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

Both Finham and Keresley publish their Standing Orders on their website. Keresley last reviewed its standing orders at its annual meeting in May 2016 and it is too early for Finham to have done so.

### *2.3.7 Training for Councillors and Clerks*

This year, the Acting Monitoring Officer has offered training on disclosable pecuniary interests and the Code of Conduct to all parish councillors and clerks to the Council. The session in July was attended by all ten of the parish councillors from Finham and the clerks to both Finham and Keresley. No Keresley parish councillors attended. The Acting Monitoring Officer also delivered the same training but in two separate sessions for Allesley Parish Council immediately prior to their scheduled meetings. The Clerk and four councillors attended both sessions and two councillors attended the second session. Finham parish councillors and their clerk have also undertaken several other training courses as might be expected with a new parish council.

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

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

### *2.3.9 Complaints about Parish Councillors*

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

Neither Allesley nor Finham have any information on their websites about how members of the public can complain about councillors, however Finham does have a copy of the City Council's Complaints Protocol which sets out how complaints will be dealt with. Keresley publishes its complaints procedure. All have information about how to get in touch with the parish council or clerk.

### 2.3.10 *Public Engagement with Parish Councils*

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

## 2.4 **Conclusions and Recommendations**

### 2.4.1 *Conclusions*

All three parish councils have good procedures in place to ensure that their councillors comply with their legal duties to register their statutory interests as well as prompts on agendas to remind them to declare them. All have websites which provide useful information for the public on the work of the parish councils although the completeness of this information varies between councils. It should be remembered that parish clerks have limited resources available to them and there are not the same legal obligations on parish councils to publish documents such as agendas, reports and minutes on their websites as apply to the City Council. The minimum legal requirement is to give notice of a meeting in a conspicuous place in the parish and to allow minutes to be inspected. There is no legal requirement to publish documents on their websites.

All parish councils have a session at the start of each meeting to allow members of the public to speak on matters of concern which helps to promote good engagement with the community and an understanding of what the parish council does. It would be good practice for all the parish councils to publish their Code of Conduct on their website and ensure that they have information on how members of the public can complain about potential breaches of the Code of Conduct.

### 2.4.2 *Recommendations*

The Committee is recommended to:

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

## 3. **Results of consultation undertaken**

The advice and views of the Clerks to Allesley, Finham 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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Helen Lynch	Legal Services Manager, Place and Regulatory and Acting Monitoring Officer	Resources	28.11.16	29.11.16
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Cllr Walsh	Chair Ethics Committee		18.11.16	18.11.16

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