

Coventry City Council
Minutes of the Meeting of Ethics Committee held at
10.00 am on Thursday, 14 December 2017

Present:

Members: Councillor S Walsh (Chair)
Councillor Bailey (Named Substitute for Councillor A Andrews)
Councillor L Bigham
Councillor K Mulhall

Independent Persons R Wills
P Wiseman

Employees (by Directorate):

Place S Harriott, L Knight, J Newman

Apologies: Councillors A Andrews, D Gannon, and M Mutton
S Atkinson and A Barton

Public Business

19. Declarations of Interest

There were no declarations of interest.

20. Minutes

The minutes of the meeting held on 14th September 2017, were agreed and signed as a true record, subject to the inclusion of Mr Peter Wiseman in the list of apologies.

Further to Minute 13/17, headed "Draft Member / Officer Protocol and Draft Monitoring Officer Protocol", the Committee were advised that the Draft Member / Officer Protocol had been approved by Council at their meeting on 5th December 2017 and that information from the Communications Team would be circulated within the coming weeks.

21. Code of Conduct Update

The Committee received a report of the Deputy Chief Executive (Place), which provided an update on national issues in relation to ethical behaviour of elected members and the local position in Coventry with regard to Code of Conduct issues.

The Committee discussed four cases from different Council's and noted the outcome for each.

In terms of the local picture, the Committee noted that four complaints had been received since the last Committee meeting in July 2017, details of which were outlined in the report, all of which were being dealt with under Stage 1 of the Complaints Protocol.

The report outlined training sessions provided for Members on the Code of Conduct and reported that the two Councillors who were recommended to undertake training as a result of Code of Conduct proceedings had completed a final session of training. It was noted that further training would be offered in 2018 to other councillors who would need to attend a course, along with newly elected councillors.

In addition, the report outlined a Department for Communities and Local Government consultation regarding expanding the disqualification criteria for local councillors. The Government were proposing to widen the disqualifications to cover sex offenders and certain anti-social behaviour, details of which were set out in the report. It was noted that there would be no retrospective application of the disqualification criteria to sitting councillors. The Local Government Association had recently issued a response to the consultation and this was attached as an Appendix to the report submitted for consideration.

RESOLVED that the Ethics Committee:-

- 1. Note the cases determined under the new regime nationally and requests that the Legal Services Manager, in consultation with the Chair of the Ethics Committee, shares the case updates with all elected Members.**
- 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 Legal Services Manager, in consultation with the Chair of the Ethics Committee.**

22. Committee on Standards in Public Life: Annual Report for 2016-17

The Committee considered a report of the Deputy Chief Executive (Place), which outlined the matters raised in the Annual Report for 2016-17 of the Committee on Standards in Public Life (CSPL) and informed the Committee of relevant matters of concern in their work area on a national level.

The report indicated that, during the year, the CSPL had undertaken a number of reviews, including:-

- Striking the Balance: Upholding the Seven Principles of Public Life in Regulation
- The Conduct of Referendums
- MP's Outside Interests

In particular, the Committee noted that the CSPL had maintained a watching brief on ethical standards in local authorities for a number of years and had been particularly concerned with the lack of effective sanctions under the current standards regime introduced in 2012. It regularly received correspondence on the

issue of ethical standards in local government, at both officer and elected member level. This correspondence included, for example, calls for a national code of conduct, strengthened guidelines or sanctions or a power of recall.

The CSPL had begun to engage with key stakeholders to identify areas of concern to the CSPL surrounding the conduct of elected and co-opted local authority members. In particular, one CSPL member had recently spoken at the National Association of Local Council's annual conference and, among other things, had encouraged parish councils and individuals to participate in the review. It was actively conducting research and would undertake a review of local government standards in 2017-18. The review would be based around a consultation that would be launched in early 2018 when the CSPL would also publish its terms of reference for review. The CSPL intended to submit its report sometime in 2018. It was noted that the Acting Monitoring Officer would update the Committee on progress on this review during 2018.

RESOLVED that the Ethics Committee:-

- 1. Note the content of the report and considered points upon which it may wish to take action.**
- 2. Request the Acting Monitoring Officer to continue monitoring the national picture as regards standards and report back on any issue which may be of relevance to the Council on a local level, including the proposed review of local authority standards by the Committee for Standards in Public Life.**

23. Review of Ethical Standards in Parish Councils

The Committee considered a report of the Deputy Chief Executive (Place) which provided an update on the review of ethical standards in Parish Councils.

The Committee's work programme included a report on the operation of the ethical standards regime in parish councils within the City. The Committee had last considered this topic in December 2016.

It was noted that there were three parished areas within the City: Allesley, Finham and Keresley. Each had a parish council which met around 8-10 times a year. The report set out some information about the financial position and operation of each of the three parish councils.

It was acknowledged that the role of the Acting Monitoring Officer, and the City Council itself, in the operation of parish councils was limited. The Acting Monitoring Officer was 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, could only advise parish councils on good practice and could not require them to take a particular course of action. How the parish council operated was a matter for the parish council.

As the information provided by parish clerks about their governance arrangements did not vary much from year to year, the Acting Monitoring Officer had conducted a

table top exercise to check what information was available to the public on the parish council websites. In summary, this covered the areas of:-

- Adoption of the Code of Conduct.
- Completion and review of Register of Disclosable Pecuniary Interests.
- Declarations of Interests at meetings.
- Standing Orders.
- Publication of Meeting Dates, Agendas, Report and Minutes on website.
- Complaints about Parish Councillors.
- Public Engagement with Parish Councils.

In summary, it was found that all three parish councils had good procedures in place to ensure that their councillors complied with their legal duties to register their statutory interests, as well as prompts on agendas to remind them to declare them. All had websites which provided useful information for the public on the work of the parish councils, although the completeness of this information varied between councils. It was acknowledged that parish clerks had limited resources available to them and there were not the same legal obligations on parish council's to publish documents such as agendas, reports and minutes on their websites, as applied to the City Council. The minimum legal requirement was to give notice of a meeting in a conspicuous place in the parish and to allow the minutes to be inspected.

All parish councils had a session at the start of each meeting to allow members of the public to speak on matters of concern, which helped to promote good engagement with the community and an understanding of what the parish council did.

In considering the report, it was acknowledged that Finham Parish Council received significantly more financial support than Allesley and Keresley parishes, which could affect the amount of work they could undertake by comparison to Allesley and Keresley.

RESOLVED that the Ethics Committee:-

- 1. Note the content of the report.**
- 2. Request that the Acting Monitoring Officer offer suggestions to the parish clerks on where their good practice on ethical standards might be further improved.**

24. Work Programme for the Ethics Committee 2017-18

The Committee considered a report of the Deputy Chief Executive (Place) which outlined suggested areas of work for the Committee for the Municipal Year 2017/18.

The Committee requested that, in relation to the update on the Code of Conduct / Members Complaints Update, it would be helpful to have some guidance for elected members on email responses, particularly where it is unclear which electoral ward of the resident lives in.

RESOLVED that the Work Programme be noted.

25. **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 urgent public business.

(Meeting closed at 10.40 am)