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Ethics Committee

10 January 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: 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 for 2018/19 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 2017.

In 2016, the then Acting Monitoring Officer 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 was summarised in the report to this Committee in December 2016. This report takes the form of a table top exercise using information publicly available and from officers' experiences of engagement in parish council matters over the last year.

The Monitoring Officer, and the City Council, normally 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. However the Council does have a statutory requirement to take action where a parish council finds itself inquorate and unable to act. This occurred this year and is detailed in the report.

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 Monitoring Officer be requested to continue 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;
- (2) The Monitoring Officer be requested to continue to offer any suggestions to the parish clerks on where their good practice on ethical standards might be further improved; and
- (3) The Committee places on record its appreciation for the work carried out by Cllr Weaver and Mrs Bland in helping and advising Keresley Parish Council.

**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 2017/18**

**1. Context (or background)**

- 1.1 The Committee’s work plan for 2018/19 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 2017.
- 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. However it is fair to say that little, if anything, has changed with regard the governance of parish councils since the last time the Committee considered this issue except with regard to Keresley Parish Council which is set out in paragraph 2.3.2.

**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 20 November 2018)	8	10	6*
Members' or chair's allowance paid?	Yes: Chair's allowance £50 per annum	No	No
Funding for 2018-19:	Precept 8,288 Grant <u>1,311</u> TOTAL <u>£9,599</u>	Precept 20,930 Grant <u>3,336</u> TOTAL <u>£24,266</u>	Precept 1,652 Grant <u>243</u> TOTAL <u>£1,895</u>
Precept charge per Band D property	£24.89 per annum	£13.76 per annum	£7.14 per annum

\* See separate paragraph at about Keresley Parish Council at 2.3.2.

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

2.3.1 The role of the Monitoring Officer and of the City Council itself in the operation of parish councils is limited. The 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 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.

Because the information provided by the parish clerks about their governance arrangements does not vary much from year to year, the Monitoring Officer has conducted a table top exercise to check what information is available to the public on the parish council websites.

#### **2.3.2 Keresley Parish Council**

Keresley Parish Council normally has 7 members. In late 2017, a number of councillors including the Chair, resigned. The Clerk to the Council also resigned. As a result the parish council was inquorate and unable to hold meetings, co-opt additional members or make decisions. It was not able to appoint a new clerk or issue a precept for the 2018/19 year or renew its subscriptions or insurance. Banking transactions were not possible as authorised signatories could not be updated.

Where there are so many vacancies that a parish council is unable to act, the City Council may make an Order under Section 91 of the Local Government Act 1972 appointing persons to act as temporary councillors until such time as new councillors can be elected.

In this case, the City Council made an order appointing Cllr Rosie Weaver, BEM, as a temporary councillor. As well as being Chair of Meriden Parish Council, Cllr Weaver is also Chair of the Warwickshire and West Midlands Association of Local Councils. Cllr Weaver worked with the remaining parish councillors and with City Council officers to get the parish council into a position where, at its first meeting for 8 months in August 2018, it was able to co-opt 3 new councillors. The Clerk to Meriden Parish Council, Barbara Bland acted as locum clerk to the parish council. City Council officers used the Council's legal power to set a precept for Keresley in the absence of a request from the parish council.

Although Cllr Weaver's official appointment only lasted until the new councillors were co-opted in August 2018, she has continued to work with and mentor the members of Keresley Parish Council. With half the councillors new to office, Cllr Weaver's help in establishing and executing the remedial action needed to be taken to get the parish council back on track has been invaluable. Mrs Bland has also agreed to carry on as locum clerk until the end of the year as attempts to appoint a new clerk have been unsuccessful. Again, her assistance in dealing with administrative and financial matters has been much appreciated. Keresley continues to advertise the vacancy for a clerk and it is hoped that they will be able to appoint to this vital position very soon.

Cllr Weaver and Mrs Bland have provided much needed help to Keresley Parish Council and officers recommend that that the Ethics Committee records its appreciation of their efforts.

### *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 and are published on their websites.

### *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.

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 one individual declaration of interest at a Finham Parish Council meeting and two at Allesley. It should be noted that Keresley has only met 4 times in the last 12 months when no interests were declared.

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. All three parish councils 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.

All three parish councils now publish their Standing Orders on their websites. Finham confirmed approval of its new Standing Orders, based on Model Standing Orders issued by the National Association of Local Councils, in May 2018, as did Allesley. Keresley is currently in the process of reviewing its Standing Orders and Financial Regulations.

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

All three parish councils have a website. The dates of meetings, agendas and minutes are regularly published on their websites.

### *2.3.9 Complaints about Parish Councillors*

Since the last report in December 2017, there have been two complaints made to the Monitoring Officer about parish councillors, one of which is ongoing.

All three parish councils now have a complaints procedure published on their website. As well as explaining how dissatisfaction with the council itself can be addressed, there is also a short section on how to complain about potential breaches of the Code of Conduct. 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 just under seven members of the attending meetings and Keresley around two (but based only on a limited number of meetings in the last 12 months). Allesley averages less than 2 a meeting.

## **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 has varied between councils in the past, it has improved over the last year as councils have reviewed and revised their policies and procedures. 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, although all do this.

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.

The Monitoring Officer will continue to liaise with the parish councils' clerks on standards issues and queries as and when required.

## 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;
- (2) the Monitoring Officer be requested to continue to offer any suggestions to the parish clerks on where their good practice on ethical standards might be further improved; and
- (3) the Committee places on record its appreciation for the work carried out by Cllr Weaver and Mrs Bland in helping and advising Keresley Parish Council.

### 3. Results of consultation undertaken

None as the report builds on consultation carried out in 2016.

### 4. Timetable for implementing this decision

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.

### 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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