
Ethics Committee
Council

26 June 2019
3 September 2019

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

None

Title: Annual Report of Ethics Committee 2018/19

Is this a key decision?

No

Executive Summary:

This report forms the third annual report of the Ethics Committee, setting out the work of the Committee over the last municipal year. In particular, it reports on:

- Further work that the Committee has done in reviewing and revising governance arrangements with the finalisation of a Monitoring Officer Protocol and approval of a Social Media Protocol for Members.
- Consideration of the report by the Committee on Standards in Public Life on local government ethical standards. The Best Practice recommendations from the report will inform the Ethics Committee's work for the coming year (2019/20)
- Preliminary work on a review of the policy and guidance on gifts and hospitality for members and officers.
- A review of ethical standards in parish councils

The report also details other, regular work of the Committee over the last year and sets out a brief overview of work to be undertaken in the 2019/20 municipal year. The Committee is asked to approve the report and recommend to full Council that it notes the

report and considers whether there is any work that it would wish the Committee to undertake.

Recommendations:

The Ethics Committee is recommended to:

- (1) Approve the Annual Report of the Committee; and
- (2) Recommend that Council notes the Annual Report and considers whether there is any work within the Committee's terms of reference that Council would wish the Committee to undertake.

Council is recommended:

- (1) To note the Annual Report of the Ethics Committee; and
- (2) To consider whether there is any work within the Committee's terms of reference that Council would wish the Committee to undertake.

List of Appendices included:

None

Other useful background papers can be found at the following web addresses:

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?

Yes

Report title: Annual Report of Ethics Committee 2018/19

1. Context (or background)

- 1.1 The Council's Ethics Committee was established in 2012 following the introduction of new duties and responsibilities regarding ethical conduct in the Localism Act 2011. The Council as a whole has a legal duty to promote and maintain high standards of conduct by members and co-opted members of the authority. The Ethics Committee, through its work, assists in discharging this statutory duty.
- 1.2 The terms of reference of Ethics Committee also include:
- (a) Making recommendations to the Council on the appointment of "independent persons" under the Localism Act 2011;
 - (b) Approving and revising the Complaints Protocol which will set out the detailed procedures for considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members;
 - (c) Considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members in accordance with the Complaints Protocol;
 - (d) Monitoring the operation of the Code of Conduct for Elected and Co-opted Members and making appropriate recommendations to the relevant body;
 - (e) At the request of the member or co-opted member concerned, reviewing any decision of the Monitoring Officer not to grant a dispensation in relation to disclosable pecuniary interests in accordance with Section 33 of the Localism Act 2011;
 - (f) Monitoring the operation of the Code of Conduct for Employees and making appropriate recommendations to the relevant body;
 - (g) Considering complaints made against Elected Members of Finham Parish Council, Keresley Parish Council and Allesley Parish Council under the relevant Parish Council's Code of Conduct for Elected Members in accordance with the City Council's Complaints Protocol; and
 - (h) Considering any other matters which are relevant to the ethical governance of the Council, its Members or Employees.
- 1.3 The Committee approves a work programme for each year which includes regular reports as well as one off pieces of work. At its meeting in March 2017, the Committee agreed that in future it would submit an annual report to Council setting out the work that it has accomplished in the past year. This report comprises the third Annual Report of the Ethics Committee.

2. The Annual Report and Recommended Proposal

2.1 About the Committee

Ethics Committee comprises five councillors. In the municipal year 2018/19, the membership of the Committee was Cllr Walsh (Chair), Cllr Andrews, Cllr Bigham, Cllr Gannon and Cllr John Mutton. There were two named substitute members for the year, Cllr Bailey and Cllr Mal Mutton. Although not members of the Committee, the four Independent Persons appointed by the Council are encouraged to attend the meetings where possible. The Committee held four scheduled meetings in 2018/19.

2.2 Code of Conduct Complaints

The Council received a total of ten new complaints against councillors in the municipal year 2018/19. Nine complaints were against city councillors and one complaint was received about a councillor from one of the parish councils. In three cases the complainants were city councillors making a complaint against a fellow councillor, in one case the complainant was a parish council and in the remaining five cases the complaint was made by a member of the public. There was one self-referral from a councillor.

In eight cases the Chief Executive and Monitoring Officer decided to take no further formal action either because:

- (a) an initial review revealed no breach of the Code;
- (b) the matters which were the subject of the complaints related to matters which occurred when the subject councillor was not acting as an elected member.
- (c) the complaint was resolved informally.

The remaining two cases are in progress.

During the year, the Committee held two Code of Conduct hearings into complaints which were ongoing at the start of the municipal year.

2.3 Social Media Protocol for Elected Members

The Committee has been aware for some time that, the use of social media by councillors, both locally and nationally, can give rise to complaints. The Committee considered a draft Social Media Protocol for Elected Members at its meeting in July and recommended that it be approved by the Cabinet Member for Policing and Equalities and launched with appropriate training being offered to members. The Protocol was approved by the Cabinet Member on 26 July 2018.

2.4 Monitoring Officer Protocol

As part of its review of governance arrangements, the Committee approved a new Monitoring Officer Protocol which was subsequently approved by the Cabinet

Member for Policing and Equalities and by full Council. It now forms part of the published Constitution.

2.5 Committee on Standards in Public Life: Report on Local Government Ethical Standards

The Committee on Standards in Public Life (CSPL) announced its intention to carry out a review of ethical standards in local government in 2017/18. The Ethics Committee made representations to the CSPL on its review and in late January 2019 the CSPL published its report.

The CSPL report made a number of recommendations in connection with ethical standards in local government. Many of these will require a change in legislation if they are to be implemented. Among the recommendations were:

- a new revised code of conduct that will apply to all councils
- removal of the requirement to publish candidates' and councillors' home addresses
- a legal duty to declare membership of certain organisations
- a legal requirement to maintain and publish a members' register of gifts and hospitality
- fixed term appointments for Independent Persons
- local authorities to be given power to suspend a councillor for up to 6 months for a breach of the Code of Conduct and a right of appeal for councillors to the Local Government Ombudsman
- the abolition of criminal offences relating to Disclosable Pecuniary Interests

The Committee will be maintaining an interest in the Government's response to these recommendations.

The CSPL also published in their report a list of 15 Best Practice Recommendations which it considers that all councils can, and should, implement without the need for any change in the law. The CSPL will be reviewing the implementation of their best practice in 2020. The Ethics Committee devoted its March 2019 meeting to a consideration of these best practice recommendations to establish where the Council currently meets them and where further work is required. Much of its work programme for 2019/20 will be based around these best practice recommendations. (see paragraph 2.9).

2.6 Officer and Members Gifts and Hospitality

The Council has strict rules about when and if members and officers can accept gifts and/or hospitality. The Committee considers that this policy reflects the way in which the Council through its members and officers operates and provides more effective checks and balances on the receipt of gifts and hospitality. All directorates have a common register which requires gifts and hospitality to be approved by a senior officer. The Committee reviews these registers on average twice a year.

In addition to its routine monitoring of declarations, the Committee has this year begun a review of the rules on declaration of gifts and hospitality by members and officers and to review and revise its guidance on the subject. This will be undertaken in the light of the CSPL's recommendations on gifts and hospitality.

2.7 Operation of Register of Disclosable Pecuniary Interests

The Committee undertook its third review of the operation of the Register of Disclosable Pecuniary Interests in July 2018.

Between May 2017 and April 2018, the registers were viewed a total of 7,689 times with an average of 641 views a month. This gave an average number of views per month for each councillor of 12. The number of views for each councillor varied significantly from 608, being the highest number of views over 12 months to 57, being the lowest. While some of these views may be attributed to officers and to the members themselves, it is clear that members of the public are viewing entries in the register on a regular basis.

Councillors are reminded each year after Annual Council to review and, if necessary, update their entries on the register, particularly as some councillors may need to declare new appointments or remove old ones. In 2018, 11 councillors amended their registers following Annual Council. In the 2017/18 municipal year, 24 councillors made at least one change to their register, with 8 councillors making more than one update. Councillors are actively keeping registers under review and updating as appropriate.

2.8 Review of Ethical Standards in Parish Councils

The Committee received a report in January 2019 on how ethical standards operate in the three parish councils in Coventry. This was a table top exercise which set out some information about the financial position and operation of each of the parish councils. This report covered the same matters that had been considered in previous years when reviewing the operation of standards within parish councils.

In addition, the Committee was updated on the situation in relation to Keresley Parish Council where, because of the resignation of several parish councillors, along with the parish clerk, the parish council had not been quorate for some time and so could not conduct its business. The City Council had made an order under Section 91 of the Local Government Act 1972 to appoint the Chair of a neighbouring parish council as a temporary councillor until new councillors could be elected or co-opted. Councillor Weaver, Chair of the Meriden Parish Council, worked with the remaining parish councillors and City Council officers to get the parish council into a position where it was able co-opt three new Councillors. The Clerk to Meriden Parish Council, acted as locum clerk to the parish council and continues to do so until a new clerk can be appointed. Councillor Weaver has continued to work with and mentor the members of Keresley Parish Council.

2.9 Work Programme for 2019/20

Apart from regular reports on, among other things, Code of Conduct complaints, updates from the Monitoring Officer and officer and member gifts and hospitality, this year the Committee will focus its work on ensuring that the Council meets the fifteen best practice recommendations of the Committee on Standards in Public Life. In particular it will:

- review the Code of Conduct for Elected and Co-opted Members to include provisions relating to bullying and harassment and complying with formal investigations
- work on the publication of registers of gifts and hospitality and revision to guidance
- update the Complaints Protocol to give a wider consultative role for Independent Persons in code of conduct investigations and to address any conflicts of interest when undertaking a standards investigation.
- review the guidance for people wishing to make a complaint against a councillor
- investigate the process whereby the Council reports on the separate bodies that it has set up or which it owns
- consider how senior officers can meet regularly with political group leaders or whips to discuss standards issues.

2.10 Recommendation

The Committee is recommended to

- (1) Approve the Annual Report of the Committee; and
- (2) recommend that Council notes the Annual Report and to consider whether there is any work within the Committee's terms of reference that Council would wish the Committee to undertake.

3. Results of consultation undertaken

- 3.1 There has been no consultation as there is no proposal to implement at this stage which would require a consultation.

4. Timetable for implementing this decision

Not applicable.

5. Comments from the 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. The issues referred to in this report will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

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?

There is no direct risk to the organisation as a result of the contents of this report.

6.3 What is the impact on the organisation?

No direct impact at this stage

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

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