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Ethics Committee  
Council

8 October 2020  
20 October 2020

**Name of Cabinet Member:**

N/A - Ethics Committee

**Director Approving Submission of the report:**

Director of Law and Governance

**Ward(s) affected:**

None

**Title:** Annual Report of Ethics Committee 2019/20

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**Is this a key decision?**

No

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**Executive Summary:**

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

- Work that the committee has carried out on the Committee on Standards in Public Life's best practice recommendations
- Training for parish councils
- Amendments to the Complaints Protocol

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 2020/21 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 to:**

- (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 2019/20

### 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 fourth 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 2019/20, the membership of the Committee was Cllr Walsh (Chair), Cllr Andrews, Cllr Hetheron, Cllr John Mutton and Cllr Welsh. 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 2 scheduled meetings in 2019/20 along with a special meeting to consider a Code of Conduct matter. Two meetings were cancelled, one of which was because of the Covid-19 outbreak.

### *2.2 Code of Conduct Complaints*

The Council received a total of 18 new formal complaints against councillors in the municipal year 2019/20. One complaint was against someone who is not a councillor and one was a service complaint. The other 16 complaints were against city councillors with no complaints against parish councillors. There was 1 complaint by a city councillor against another city councillor. Six of the complaints related to one councillor.

One complaint related to all councillors but did not fall within the councillor complaints process. In two cases the complainants withdrew their complaints.

Of the 13 remaining cases, the Chief Executive and Monitoring Officer decided to take no further formal action in 6 cases.

Six cases were referred to an external investigator as they all related to the same incident involving one councillor. The investigator's report was considered by the Committee at its meeting on 23 July 2020. The remaining case is in progress.

During the year, the Committee held one Code of Conduct hearing into a complaint which was ongoing at the start of the municipal year.

### *2.3 Committee on Standards in Public Life: Report on Local Government Ethical Standards*

The Committee on Standards in Public Life (CSPL) published its report on its review of ethical standards in local government in late January 2019.

The report also included a list of 15 Best Practice Recommendations which it considered that all councils could, 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 has spent some time at each of its meetings in 2019/20 reviewing the Council's progress in putting these best practice recommendations into action.

## *2.4 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 normally reviews these registers on average twice a year. However, because the March 2020 meeting had to be cancelled, it only reviewed registers for the first 6 months of 2019.

## *2.5 Parish Councils*

During the early part of the year the Monitoring Officer and Deputy Monitoring Officer offered all three parish councils the opportunity to attend training on the Code of Conduct. A session was arranged for Keresley Parish Council in July 2019.

## *2.6 Other Work*

The Committee has continued to receive regular reports on ethical standards cases across the country. It has also considered reports on:

- The result of an independent report into decision making at Birmingham City Council; and
- Amendments to the Complaints Protocol to require consultation with an Independent Person at the initial review stage of a complaint.

## *2.7 Work Programme for 2020/21*

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 is looking at work in the following areas:

- Its response to the Local Government Association consultation on the draft Model Code of Conduct
- The development and approval of a travel and conference policy
- Monitoring, and responding to, the Local Government Association's work on civility in public life
- The work of a member/officer group which is developing a local response to the LGA's guidance on intimidation in public life
- Employee values

The Committee will continue to monitor progress on any outstanding issues relating to the Committee on Standards in Public Life's best practice recommendations for local authorities.

## **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.

**Council is recommended to**

- (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.

**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 Director of Law and Governance**

**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

**Report author(s): Carol Bradford**

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Finance: Graham Clark	Lead Accountant	Finance	11/09/20	14/09/20
Legal: Julie Newman	Director of Law and Governance	Law and Governance	11/09/20	15/09/20
Councillor Walsh	Chair of Ethics Committee		16/09/20	16/09/20

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