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Ethics Committee

3 December 2020

**Name of Cabinet Member:**

N/A- Ethics Committee

**Director Approving Submission of the report:**

Director of Law and Governance

**Ward(s) affected:**

Not applicable

**Title:**

Work Programme for the Ethics Committee 2020/21

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**Is this a key decision?**

No

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**Executive Summary:**

This report sets out the previously approved work programme for the Committee for the remainder of the Municipal Year 2020/21. The Committee is asked to consider the work programme and make any suggestions for additional or alternative reports. The Work Programme again includes a separate table showing the actions to be taken in connection with the Committee on Standards in Public Life's Best Practice Recommendations for local authorities contained in its report of January 2019.

**Recommendations:**

The Ethics Committee is recommended to review the work programme attached as Appendix 1 and the Table of Best Practice Recommendations at Appendix 2 and make any changes or amendments the Committee considers appropriate.

**List of Appendices included:**

Appendix 1: Approved Work Programme

Appendix 2: Table of Best Practice Recommendations

**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: Work Programme 2020/21**

**1. Context (or background)**

- 1.1 The Committee's Terms of Reference are set out in the Council's Constitution and include the consideration of matters which are relevant to the ethical governance of the Council, its members or employees. This report attaches the previously approved programme of work for the Committee, designed to assist the Committee to meet its objectives set out in the Terms of Reference, and to ensure that the Council complies with its obligations under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct amongst elected and co-opted members. It also includes, at Appendix 2, a table setting out the Best Practice Recommendations of the Committee on Standards in Public Life (CSPL) annotated to show current progress.
- 1.2 The Committee's work programme takes account of the need to promote standards and addresses this in a number of ways. It is a draft work programme and is flexible in terms of suggestions from members of the Ethics Committee as to additional or substitute areas which they would want to consider and receive reports on.

**2. Options considered and recommended proposal**

- 2.1 The work programme was approved by the Committee at its meeting on 23 July 2020. The Committee is asked to consider whether there are any other matters that they would want to consider during the year or items that they would want to defer.
- 2.2 An additional meeting has been added to the work programme, subject to Committee approval, for the Committee to consider a revised Code of Conduct based on the Model Code of Conduct produced by the LGA which is expected to be published in December.
- 2.2 Officers will also monitor and report on any legislative changes arising from the CSPL's report and recommendations of January 2019. Code
- 2.3 Recommendation

The Ethics Committee is recommended to review the work programme attached as Appendix 1 and the Table of Best Practice Recommendations at Appendix 2 and make any changes or amendments the Committee considers appropriate.

**3. Results of consultation undertaken**

None

**4. Timetable for implementing this decision**

- 4.1 Not applicable

**5. Comments from 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, as there is no statutory obligation on the Committee to adopt a work programme. However, the Council must comply with its obligations under section 27 of the Localism Act 2011 and the continuation of a clear programme of work would assist in compliance for the Council as a whole, in its duty to promote high standards of ethical conduct.

**6. Other implications**

None

**6.1 How will this contribute the Council Plan?**

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?**

The work programme will facilitate the promotion of high standards amongst elected members in accordance with the Localism Act.

**6.4 Equality Impact Assessment (EIA)** There are no public sector equality duties which are of relevance at this stage.

**6.5 Implications for (or impact on) climate change and the environment**

None

**6.6 Implications for partner organisations?**

None at this stage

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

**Name and job title:** Corporate Governance Lawyer, Regulatory Team, Legal Services

**Directorate: Law and Governance**

**Tel and email contact: 024 7697 7271 [carol.bradford@coventry.gov.uk](mailto:carol.bradford@coventry.gov.uk)**

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Suzanne Bennett	Governance Services Officer	Law and Governance	25.11.20	25.11.20
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Graham Clark	Finance	Finance	20.11.20	23.11.20
Legal: Julie Newman	Director of Law and Governance	Law and Governance	20.11.20	25.11.20
Cllr Walsh	Chair: Ethics Committee		23.11.20	23.11.20

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## **Appendix 1**

### **Work Programme for the Municipal Year 2020/21**

<b>Meeting no. and date</b>	<b>Topics</b>
<b>2020/21</b>	
<b>1. December 2020</b>	Monitoring Officer/Code of Conduct/ Members Complaints Update. Travel and Conference Policy Annual Report of Local Government Ombudsman Civility in Public Life Intimidation in Public Life Work Programme 2020/21
<b>2. January 2021</b>	New Code of Conduct for Elected and Co-opted Members
<b>3. March 2021</b>	Monitoring Officer/Code of Conduct/ Members Complaints Update. Officers Gifts and Hospitality -Inspection of Registers for last 6 months of 2020. Members Gifts and Hospitality -Inspection of Registers for last 6 months of 2020. Employee Values Review of Guidance to Councillors on Declaration of Interests Work Programme 2021/22

## Appendix 2: Best Practice Work Programme

	<b>Best Practice</b>	<b>Action</b>	<b>Status</b>
1	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	Add Newcastle – Upon-Tyne definition into code of conduct  Consider whether a paragraph could be inserted into the Employee's Code of Conduct as well	Completed  Completed
2	Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.	Include statement in code must comply Check prohibition on trivial or malicious allegations	Completed Code has been amended
3	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	Ensure easily available to public  Include on work programme for committee annually   Monitoring Officer (MO) to talk to local MO groups to share codes across neighbouring authorities	Completed  Pending progress on LGA Model Code of Conduct  Completed
4	An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises	Check web editors re prominence on website –see where the relevant forms are & whether easy for members of the public to use  Customer service to be advised as how can access on website to provide to any customers who call	Completed  Completed
5	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.	A link to Ethics Committee reports on gifts and hospitality has been placed on the Council's website	Completed
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Complaints Protocol includes assessment criteria against which complaints will be considered	Completed
7	Local authorities should have access to		Completed

	at least two Independent Persons.		
8	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	Amend complaint process to include this stage	Completed
9	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.		Completed
10	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	Check accessible on website  Review timescales and include in process	Completed  Completed
11	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	Write to Parish Councils and offer assistance in reviewing their codes to include this action and best practice actions	Completed
12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.		Completed
13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	Raise at Heads of Legal WMCA group to seek agreement can call on neighbouring authorities when there is potential conflict.	Completed
14	Councils should report on separate bodies they have set up or which they	Consider as part of next annual governance statement	

	own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.	- 19/20	
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Set up quarterly meeting with group leader, Deputy Leader and whips. CEO, S151 officer and MO.	<b>Completed</b>  <b>Quarterly meetings set up between group whips and senior officers</b>