
Ethics Committee
Council

30 September 2021
18 October 2021

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 2020/21

Is this a key decision?

No

Executive Summary:

This report forms the fifth 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 developing a new Code of Conduct
- A new Travel and Conference Policy produced by the Committee
- Consideration of complaints made under the Code of Conduct

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 2021/22 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 2020/21

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 fifth 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 2020/21, the membership of the Committee was Cllr Walsh (Chair), Cllr Andrews, Cllr Hetherington, 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 4 scheduled meetings in 2020/21 along with a special meeting to consider a revised Code of Conduct for Elected and Co-opted Members. All meetings were held remotely.

2.2 Code of Conduct Complaints

The Council received a total of 26 new formal complaints against councillors in the municipal year 2020/21. One complaint was withdrawn. The remaining 25 complaints were against city councillors with no complaints against parish councillors. There were 2 complaints by a city councillor against another city councillor.

Fifteen of the complaints related to one councillor. These were dealt with as follows:

- In October 2020 the Committee held a hearing to consider 8 separate complaints relating to the same incident. The Committee found that there had been a breach of the Code and referred the matter to full Council with a recommendation that the councillor be censured.
- In March 2021 the Committee considered an Investigator's report into 4 separate complaints relating to another incident. The Investigator concluded that there had been a breach of the Code. The Monitoring Officer decided that, in the light of the October hearing when the councillor had been censured, there was little to be gained from a further hearing and the complaint was resolved summarily.
- Two complaints were recommended for informal resolution (at Stage One)
- One complaint was recommended for no further action (at Stage One)

Of the 10 remaining cases, the Chief Executive and Monitoring Officer decided to take no further formal action in 6 cases. Two complainants made complaints about more than one councillor and those are presently at Stage 2 in respect of one of the councillors only with no further action being taken against the other councillors. The final two complaints are also proceeding to Stage 2.

During the year, the Committee considered the investigator's report into six complaints which were ongoing at the start of the municipal year, where the investigator had concluded that there had been no breach of the Code.

2.3 New Code of Conduct for Elected and Co-opted Members

In the summer of 2020, the Local Government Association (LGA) held a consultation on a new Model Code of Conduct which it had produced in response to the Committee on Standards in Public Life's report on local authority standards (2019). In December 2020, the LGA published its final version of the Code which the Committee considered in depth at a special in January 2021. The Ethics Committee approved the new Code, subject to some additions and revisions in formatting and this has now been approved by full Council.

The new Code differs from the previous Code in that:

- (a) The Code explicitly applies to Councillors who are claiming to act as a Councillor or who give the impression that they are doing so as well as where a Councillor refers publicly to their role or uses knowledge they could only obtain in their role as a Councillor.
- (b) The Code explicitly applies to Councillors who are claiming to act as a Councillor or who give the impression that they are doing so as well as where a Councillor refers publicly to their role or uses knowledge they could only obtain in their role as a Councillor.
- (c) The Code explicitly applies to Councillors who are claiming to act as a Councillor or who give the impression that they are doing so as well as where a Councillor refers publicly to their role or uses knowledge they could only obtain in their role as a Councillor.
- (d) Councillors must not bring their role or local authority into disrepute
- (e) Councillors must agree to undertake any Code of Conduct training provided, co-operate with a Code of Conduct investigation, not intimidate any person involved in any investigation and comply with any sanctions imposed
- (f) There is an obligation to register any gifts or hospitality regardless of value which could give rise to real or substantive personal gain and the limit for all other gifts and hospitality has been raised to £50.
- (g) There is a requirement to register membership of any body exercising functions of a public nature, directed to charitable purposes or one of whose principle purposes includes the influence of public opinion.

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 of the Covid pandemic, there have been no declarations by officers in the last year and only one by a member.

2.5 Travel and Conference Policy

As part of a wider review of the Constitution, Council on 8 September 2020 resolved that:

- (a) The Conference and Travel Protocol be removed from the Constitution;
- (b) Officers be authorised to produce a policy for the approval of conference and travel costs for members and officers;
- (c) Once drafted, the policy be approved by Ethics Committee;
- (d) A register of travel and conference attendance costing more than £500 and all travel outside of the UK be maintained and published; and
- (e) The register of travel and conference costs be scrutinised by Ethics Committee twice a year.

At its meeting in December 2020, the Committee approved a new Travel and Conference Policy. Its main points are:

- travel and conference attendance for officers and members requires the approval of the appropriate budget holder;
- the requirement for members to seek Cabinet Member approval for attendance at conference is removed (subject to the approval of the appropriate budget holder). An exception is where the budget holder wishes to attend a conference themselves.
- any expenditure which is likely to be £500 or more (including subsistence costs) must be entered onto a public register, together with all travel outside the UK.

2.6 Other Work

The Committee has continued to receive regular reports on ethical standards cases across the country, where these have been available. It has also considered reports on:

- The result of a rapid non-statutory review into serious governance and risk management issues at Nottingham City Council;
- Steps taken by the Ministry of Housing Communities and Local Government in the wake of arrests in connection with accusations of bribery and witness intimidation at Liverpool City Council.
- The Committee on Standards in Public Life's short report on its review of progress by local authorities against its 15 Best Practice Recommendations for ethical standards.

The Committee has also maintained watching brief on the programme of work being undertaken by the LGA on civility in public life and also on work being undertaken locally on supporting members in dealing with challenges associated with public service, particularly in relation to intimidation and abuse.

2.7 Work Programme for 2021/22

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:

- 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
- Reviewing the operation of the new Code of Conduct for Elected and Co-opted Members
- A review of the guidance to members on declaring interests in the light of the changes to the requirements to register membership of organisations
- A review of the Complaints Protocol to align with the new Code of Conduct

The Committee will also maintain a watching brief on any legislative changes arising from the Committee on Standards in Public Life's report and recommendations of January 2019.

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

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Councillor Walsh	Chair of Ethics Committee		17.09.21	17.9.21

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