

Swindon Borough Council

Standards Committee

Monday, 29 June 2020

In Public Virtual Meeting - LiveStream

At 5.00 p.m.

Councillors

Alan Bishop
Roger Smith
Caryl Sydney-Smith (Chair)
Vera Tomlinson
Steve Weisinger
(Conservative)

Claire Crilly
Steph Exell
Janine Howarth
Jane Milner-Barry
(Labour)

Co-opted Representatives

Mr Trevor Davies
Mr David Dawson
(Lay Representatives)

Mr Mike Compton
Mr Richard Hailstone
(Parish Representatives)

Independent Persons for Information:

Mr Paul Morris
Mr Keith Strickland

Committee Officer: Vicki Yull, 07980 752043, committeeservices@swindon.gov.uk

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 445500)

AGENDA

NOTE:

The link for the public (Part 1) session of the meeting is here:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZWEyNDMzOTYtMTEwNi00NGRjLWE2NzQtODI1ZjE3MzY0MDMw%40thread.v2/0?context=%7b%22Tid%22%3a%22c14bbb5a-1d56-4698-b344-1b99964f6878%22%2c%22Oid%22%3a%2231584cf6-c444-4fc3-8bfc-bbdfc5b16855%22%2c%22IsBroadcastMeeting%22%3atrue%7d

This link will only work from 5.00pm on 29th June 2020. For help on viewing the meeting, please visit: <https://support.office.com/en-us/article/Attend-a-live-event-in-Teams-a1c7b989-ebb1-4479-b750-c86c9bc98d84>.

Please note that if Members resolve to go in to a private and confidential discussion (Part 2) the public link will be closed.

PART 1 (PUBLIC ITEMS)

1. Apologies for Absence

2. Appointment of Vice-Chair

Members will be invited to nominate representatives for the position of Vice-Chair of the Committee.

3. Declarations of Interest

Members are requested at the start of the meeting to declare any known interests in any matter to be considered, and are reminded that any such interest should also be declared at the start of an item or during any discussion of the matter concerned.

4. Minutes (Pages 5 - 8)

To receive the minutes of the meeting held on 27th January 2020.

5. Public Question Time

For this meeting, any questions must be sent in writing to committeeservices@swindon.gov.uk by no later than 4.00pm on Thursday 25th June 2020.

6. Exempt Items - Exclusion of Press and Public

Certain items are expected to include the consideration of exempt information and the Standards Committee is, therefore, recommended to resolve "That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below, on the grounds that they involve the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information".

<u>Item No.</u>	<u>Paragraph No.</u>
12	1 and 2

7. Standards Committee Annual Report (Pages 9 - 18)

8. Annual Work Programme (Pages 19 - 22)

9. Independent Remuneration Panel on Councillors' Allowances (Pages 23 - 34)

10. Ethical Framework Update (Pages 35 - 44)

11. Consultation on proposed Model Code of Conduct (To Follow)

PART 2 (TO BE CONSIDERED WITH THE PRESS AND PUBLIC EXCLUDED)

12. Ethical Compliance Report (Pages 45 - 48)

Date of despatch: 19 June 2020

Public Question Time: Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Chief Legal Officer by the deadline stated.

A privacy note about how we record Public Questions is available here:

https://www.swindon.gov.uk/directory_record/23533/publication_of_public_questions_and_questioners_privacy_notice.

Terms of Reference: The Standards Committee has the following roles and functions in accordance with Article 9 of the Council's Constitution:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members including church and parent governor representatives;
- (b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) recommending training on any aspect of conduct and behaviour for Councillors, and officers, where it considers it would be of benefit;
- (f) approving other codes of conduct and behaviour which apply to Councillors, employees, contractors and any other parties or organisations associated with Council activity (for employees approval will be subject to agreement through recognised negotiating machinery where appropriate).
- (g) receiving from the Council's Monitoring Officer details of all allegations of any breach of the Code of Conduct;
- (h) determining any matters which may be referred to it by the Monitoring Officer or which may arise under consideration of complaints as to breaches of the Members Code of Conduct or the Protocol for Member / Officer Relations or any Code or Protocol applying to Members and Co-opted Members;
- (i) supporting the Council's Monitoring Officer in discharging his/her role;
- (j) granting dispensations to councillors and co-opted members, including church and parent governor representatives, arising from requests relating to interests set out in the Members Code of Conduct and/or under section 33 of the Localism Act 2011;
- (k) exercising (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (l) ensuring the Council's Customer Feedback Policy operates effectively in relation to standards of conduct and behaviour of staff and in particular the Standards Committee may:
 - receive an annual report on its operation

- receive monitoring reports on complaints in relation to standards of conduct and behaviour that have resulted in a final warning to a member of staff
 - adjudicate upon all complaints which remain unresolved
 - require Service Managers to report upon any areas of activity which may have been the subject of criticism in respect of standards of conduct and behaviour;
- (m) reporting to the Council when it considers:-
- standards of conduct and behaviour in a particular area need reviewing, and
 - the level of commitment necessary to resolve these difficulties should be greater;
- (n) approving the Council's anti-fraud strategy and whistle-blowing procedures and ensure they operate effectively;
- (o) recommending to the Council the payment of compensation or the taking of any other action relating to standards of conduct and behaviour where this is considered appropriate;
- (p) reporting to the Council, should it deem it necessary, on the result of any investigation into the standards of conduct and behaviour of a Member; and
- (q) approving procedures associated with the appointment of an independent remuneration panel for Councillors' Allowances.

Quorum: Three members of the Committee, including at least two councillors.

STANDARDS COMMITTEE

MONDAY, 27 JANUARY 2020

PRESENT:- Councillor Caryl Sydney-Smith (Chair), Councillor Alan Bishop, Councillor Claire Crilly, Councillor Janine Howarth, Councillor Jane Milner-Barry, Councillor Roger Smith, Councillor Vera Tomlinson and Councillor Steve Weisinger.

Apologies for absence were received from Councillor Stephanie Exell.

16. Declarations of Interest

The Chair reminded Members to declare known interests in any matter to be considered as well as during the meeting, if such interest becomes apparent.

17. Minutes

Resolved – That the minutes of the meeting held on 4th November 2019 be confirmed.

18. Public Question Time

Mr Roy Worman, Haydon Wick resident, asked the Committee if a review of standard and protocols was valid at this time as the Committee on Standards in Public Life chaired by Lord Evans had yet to conclude its review? The Chief Legal Officer responded to the question at the meeting on behalf of the Committee.

Mr Hailstone sought confirmation that parish councils would have further time to respond to the local consultation, to which the Chief Legal Officer responded at the meeting.

19. Exempt Items - Exclusion of Press and Public

Resolved - That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below on the grounds that it involves the likely disclosure of exempt information as defined in the respective paragraphs of Part 1 of Schedule 12A of the Act.

<u>Item No.</u>	<u>Paragraph Nos.</u>	<u>Minute No.</u>
9	1 and 2	23

20. Question and Answer Session - Leader of the Council and Chief Executive

The Leader of the Council, Councillor David Renard, and the Chief Executive, Susie Kemp, addressed the Committee.

Councillor Renard stated that he was pleased with the low number of complaints,

which indicated that Members were adhering to the standards framework. He thanked the Committee for its continued work. The Chief Executive echoed the Leader's comments and her own compliments to the Committee for its service in helping to uphold standards and probity.

Councillors Jane Milner-Barry, Steve Weisinger, asked a range of questions to which the Leader and the Chief Executive responded at the meeting.

- Why was it not possible to submit complaints about parish clerks as well as parish councillors? The former were parish employees for which the parish had responsibility.
- Should the Code of Conduct refer to Protect as well as CareFirst as a point of contact to whistle-blowers in the staff code of conduct and give both organisations equal weight? The Head of Internal Audit would be asked to review the code and update the draft

Resolved - That the Leader of the Council and the Chief Executive be thanked for attending the meeting and for their full and open responses to members questions on matters relating to the Council's ethical governance framework and issues of probity.

Actions – The Committee Clerk will contact the Head of Internal Audit regarding the harmonisation of references to Protect and CareFirst in the protocols

21. Independent Remuneration Panel on Councillors' Allowances

The Chief Legal Officer submitted a report on the Independent Remuneration Panel on Councillors' Allowances; however, in light of the letter from the Panel's chair, she requested that the Committee defer debate on recommendations 2.3 to 2.5 to a future meeting.

Mr Keith Strickland, Chair of the Independent Remuneration Panel, explained that the Panel had not met formally to discuss the proposals that he had requested be deferred but was scheduled to do so before the next meeting of the Standards Committee. Mr Strickland also informed the Committee that Mr Graham Cardwell had been interviewed as a new member of the Panel and he invited the Committee to endorse his appointment.

Councillor Vera Tomlinson sought clarification on the level of allowances for parish councillors. Members of the committee gave examples of how the Independent Remuneration Panel provides guidance. However, the decision to pay allowances and at what level was a matter for each parish council.

The Chair of the Independent Remuneration Panel also informed the Committee that his term of office was due to expire in March. He believed that the Committee had the power to extend his term by one year to allow a more considered search for a successor.

Resolved - (1) That the appointment of Mr Graham Cardwell as a Lay Representative on the Swindon Independent Remuneration Panel for a period of three years ending in January 2023 be approve.
(2) That the membership of the Independent Remuneration Panel be endorsed and noted.

(3) That recommendations 2.3 to 2.5 concerning the frequency of panel meetings be deferred to the next meeting of the Committee

Action That the Committee Clerk include an item on the next agenda regarding the Chair of the Independent Remuneration Panel.

22. Ethical Framework Update

The Chief Legal Officer submitted a report on the proposed update to the Council's codes and policies as part of the ethical framework. In particular, she drew Members' attention to the augmented code for media and social media to assist Councillors in using social media appropriately. The Committee was invited to make comments and the Chief Legal Officer would bring a report to the next meeting if there were significant issues.

Member raised the following issues and concerns:

- What was the guidance to Members who sat on parish planning committees as well as the Borough's planning committee? Councillors were advised that they might speak at parish meetings but not vote as well as declaring at the start of that item at the Borough's Planning Committee that they were approaching the issue without being fettered. There was a short discussion of the different approaches being adopted by the different town and parish councils.
- Was there a need for a role definition for a member of the Standards Committee? The Chief Legal Officer undertook to investigate this.
- Should the Register of Gifts include records of offers that were declined as well as those that were accepted? Similar councils did not require these to be declared but Members were free to make a declaration that they had declined a gift if they chose so to do.

Resolved – (1) That the Ethical Framework update, including: dispensations granted to members of the Borough Council; the Summary of Code of Conduct complaints, and; the latest position regarding councillor training and development within the Borough along with the Committee's comments on these documents be noted and 2) That having considered the effectiveness of the Council's codes and protocols available in the supplementary pack on line, that it be agreed that the changes set out in these that are required to ensure these remain fit for purpose.

Action – That the Chief Legal Officer clarifies the advice to parish councillors who are also Borough councillors relating to planning matters.

23. Ethical Compliance Report

The Committee considered a report of the Chief Legal Officer regarding the outcome of various ethical compliance matters, including the details of any Whistleblowing cases, breaches of the Member / Officer Protocol, and Code of Conduct complaints received since the last Committee, and the outcome of any completed investigations in relation to these.

Resolved – That the Ethical Compliance report be noted.

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Standards Committee Annual Report

Standards Committee

Date: 29th June 2020

Author: Chief Legal Officer

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To ask the Committee to agree its Annual Report for 2019/2020.

2. Recommendations

The Committee is recommended to:

- 2.1 Consider and, subject to any amendments that might be agreed by the Committee, to accept its Annual Report for the period June 2019 – May 2020.

3. Detail

- 3.1 The Standards Committee has each year considered an Annual Report summarising its work for the previous year.
- 3.2 The draft of the Annual Report for 2019/2020 is attached at Appendix 1. The Committee is asked to consider this draft and, subject to any amendments members might agree, to accept it as an accurate reflection of the work carried out by the Standards Committee during the year.

4. Alternative Options

- 4.1 It is good practice to make an Annual report on the work of the Committee, but this is a matter for the Committee to determine.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no financial or procurement implications of this report.

Legal and Human Rights Implications

- 5.2 There are no specific legal or human rights implications of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications that have been identified as important for this report.

Further information on the subject of this report can be obtained from Vicki Yull on 07980 752043 or vyull@swindon.gov.uk.

Standards Committee Annual Report

Standards Committee

Date: 29th June 2020

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report as it does not recommend a change in Council policy or service.

Risk Management

- 5.5 A risk assessment has not been completed for this report as it does not recommend a change in Council policy or service.

6. Consultees

- 6.1 The author has consulted, where appropriate, with Corporate Directors, Directors, Heads of Service, other officers, and relevant partners on the purpose, content, and recommendations of the report.

7. Background Papers

- 7.1 None.

8. Appendices

- 8.1 Appendix 1 – Draft Standards Annual Report for the period June 2019 to May 2020.

Further information on the subject of this report can be obtained from Vicki Yull on 07980 752043 or vyull@swindon.gov.uk.

Swindon Borough Council

Standards Committee

Annual Report

1st June 2019 – 31st May 2020



Introduction

The Council adopted a Members Code of Conduct in 2012 and a Standards Committee to be responsible for maintaining the Council's profile of probity and conduct through the promotion and maintenance of high standards of conduct by councillors, and to assist them in observing their Code of Conduct.

The specific roles and functions of the Standards Committee are set out in Article 9 of the Council's Constitution.

This Annual Report is a record of the work of the Standards Committee in the period 1st June 2019 to 31st May 2020.

Membership of the Committee for 2019/2020:

Councillors	Parish Representatives	Co-opted Lay Representatives	Independent Persons
Alan Bishop	Mr Mike Compton	Mr Trevor Davies	Mr Paul Morris
Claire Crilly	Mr Richard Hailstone	Mr David Dawson	Mr Keith Strickland
Steph Exell			
Janine Howarth			
Jane Milner-Barry			
Roger Smith			
Vera Tomlinson			
(Vice-Chair)			
Steve Weisinger			
Caryl Sydney-Smith (Chair)			

Independent Persons and the Independent Persons Protocol

Under the Localism Act 2011, the Council has appointed two Independent Persons, Messrs Paul Morris and Keith Strickland, to carry out the functions set out in the Act in respect of providing their views to complainants, councillors and the Assessment Panel on complaints and the complaints process. This initial appointment expired in 2018. Following advertisement of the role, the Council appointed both Mr Morris and Mr Strickland as Independent Persons for a further period of 4 years.

A Protocol for the Independent Persons, setting out the parameters of their work with, and on behalf of, the Council and its Standards Committee was approved and adopted on 7 October 2013.

Annual Report and Work Programme

At its first meeting in the 2019/20 Municipal year, the Committee received, and approved, its Annual Report for the preceding year and also agreed a Work Programme for the year ahead. As in the previous year, the Standards Committee, via its Standards Assessment Panel, continued to be the arbiter of Complaints under the Council's Members' Code of Conduct and was also responsible for the review of the Council's other Codes and Protocols and the monitoring of Whistleblowing Complaints. The Standards Committee met on three occasions in the 2019/20 Municipal Year.

Summary of Members Code of Conduct Complaints

The Standards Assessment Panel is charged with making an initial assessment decision in relation to all Member Code of Conduct complaints. In 2019/20, the Panel met on five occasions and determined five complaints and considered two reports from an Investigating Officer. The following table provides comparative data for the last ten years.

Year	Complaints	No Further Action	Informal Resolution	Referred for Investigation	No action following referral	Breach following hearing
2010/11	12	8	N/A	4	4	0
2011/12	10	8	N/A	2	2	0
2012/13	5	5	N/A	0	0	0
2013/14	14	11	2	3	1	0
2014/15	5	5	0	0	0	0
2015/16	4	4	0	0	0	0
2016/17	1	1	0	0	0	0
2017/18	36	27	1	8	8	0
2018/19	9	6	1	2	2	0
2019/20	5	1	4	0	0	0

Type of Complaints

There were two Code of Conduct complaints received during 2019/20 made against Borough Councillors – one made by a Parish Clerk and the other by a member of the public.

The remaining three complaints were complaints against three Parish Councillors. One was made by a member of the public, and the remaining two were submitted by a Parish Clerk.

Processing of Complaints

The Standards Assessment Panel carried out the first stage assessment of the five complaints received in accordance with the Standard Committee's agreed process for the initial assessment of complaints. In four cases, the Panel was of the view that an informal resolution should be offered, and in the remaining case, there did not appear to be a potential breach of the Code of Conduct and the Panel therefore determined that no further action be taken.

The Panel also reviewed the Report of the Investigating Officer in respect of two complaints and, on both occasions, agreed a Confirmation Decision in support of the findings of the Report that there had not been any failure to comply with the Code of Conduct by the Councillor named in the complaint.

Monitoring of Complaints

The Standards Committee received a summary of the progress of Code of Conduct complaints at each meeting during the year, as part of the ethical compliance update report.

Breaches of the Member / Officer Protocol

At each meeting of the Committee, the Monitoring Officer reported as to whether or not any complaints had been received under the Member / Officer protocol. No complaints were received under the Protocol of Member / Officer relations during 2019/20.

Monitoring of Whistleblowing Complaints

Throughout the year, the Standards Committee has continued to monitor complaints received under the Council's Whistleblowing policy. The Committee was notified of new complaints and the progress and outcomes of subsequent investigations, including any learning points which arose.

During 2019/20, the Standards Committee was advised of the receipt by the Council of eleven new whistleblowing cases. These were all the subject of investigation by Internal Audit, or, where appropriate, were referred for investigation by the appropriate Head of Service or Human Resources.

Of the eleven cases reported to the Standards Committee:

- Two cases were substantiated and resulted in a member of staff being dismissed following disciplinary investigations.
- Four cases were substantiated with recommendations that existing working arrangements be improved.
- One case resulted in no further action following an investigation.
- Four cases are still being investigated.

Annual Governance Statement

At its first meeting in the year, the Standards Committee was invited to review the Council's Annual Governance Statement (AGS) and to identify any additional significant control issues that it would like to be included. The AGS is a formal statement that recognises, records and publishes an authority's governance arrangements and is designed not only to give an opportunity for authorities to consider the robustness of their governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.

The guidance for the AGS requires the Council to set out its governance arrangements and key elements of internal control and the sources of assurance; a review of the effectiveness of those governance and internal controls and a requirement to identify significant governance issues. The Council must ensure that it can provide evidence for any of the systems of internal control included in the AGS.

The Committee noted that the AGS had been revised following discussion at Corporate Management Team, and that the following areas still required progress before they could be taken off the statement for 2018/19:

- Children's Services
- Information Governance and Security
- GCSE attainment

There were no new areas recommended for inclusion in the statement for 2018/19, although it was recognised by the Corporate Management Team that there is a need for an increased focus in the area of Communities and Housing which will be led by the new Corporate Director.

The Committee reviewed the draft Annual Governance Statement, and noted that it had been approved for sign off by the Leader and Chief Executive in June 2019 following its formal approval by the Council's Audit Committee on 18th June 2019.

Independent Remuneration Panel on Councillors' Allowances: Membership and Allowances

Under Article 9 of the Council's Constitution, the Standards Committee is responsible for approving procedures associated with the appointment of the Independent Remuneration Panel on Councillors' Allowances, established under the provisions of the Local Authorities (Members Allowances) (England) Regulations 2003.

The IRP is made up of six members who are independent of the Council – one each is appointed from the Education, Business and Voluntary / Community Sectors, and there are three Lay Representatives appointed following public advertisement. The three members of the IRP appointed from the Education, Business and Voluntary / Community Sectors serve for a term of office of four years. The three Lay Representatives are appointed for a period of three years. There is no restriction on the re-appointment of members.

At its meeting on 4th November 2019, the Committee noted that Mr Gus Strang, the Education Sector Representative, had submitted his resignation to the Chair of the Independent Remuneration Panel on 20th June 2019. Mr David Body, previously appointed to the Panel as a Lay Representative, had indicated his willingness to transfer to the position of Education Sector Representative given his current employment at Oxford Brookes University. The Committee agreed to appoint Mr Body to the Panel as the Education Sector Representative for a period of four years, ending in November 2023.

At its meeting on 27th January 2020, the Committee was advised that Mr Graham Cardwell had been interviewed for the position of Lay Representative for the Panel, and endorsed his appointment for a period of three years, ending in January 2023.

Desktop Ethical Audit

The Standards Committee had previously agreed to undertake an annual Desktop Ethical Audit, based on the matrix designed by the Institute for Democracy and Electoral Assistance (IDEA), to assess that it has all governance requirements in place.

The annual self-assessment and update was considered and approved by the Committee in November 2019 who were satisfied that all governance requirements are in place.

Leader and Chief Executive 'Question and Answer' Session

The Leader of the Council and the Chief Executive are invited annually to meet with the Standards Committee to report on matters relating to the Council's ethical governance

framework and issues of probity, and to discuss with members the key priorities for ensuring that high ethical standards continue to be promoted and maintained within the Council. This year, the Leader and the Chief Executive attended the meeting of the Committee on 27th January 2020.

Following the opening remarks from the Leader and Chief Executive, members put forward questions regarding submitting complaints against parish clerks, and whether Protect, as well as CareFirst, could be referred to as a point of contact for whistle-blowers in the Employee Code of Conduct (with both organisations given equal weight). This matter was referred to the Head of Internal Audit.

Review of the Council's Codes and Protocols

The Standards Committee regularly reviews the Council's Codes and Protocols to ensure that these remain appropriate and up to date.

At its meeting on 4th November 2019, the Committee was invited to consider whether the Council's various Codes and Protocols remained fit for purpose. Whilst considering this item, members of the Committee discussed the following matters:

- The process by which both Members and Officers declare accepted gifts that are then logged in a publically available register, with Members and Officers not currently being expected to declare gifts and hospitality which are offered but declined.
- That the Officer Code of Conduct does not appear to contain explicit references to the limitations on politically restricted posts.
- That the Media Guidelines for Councillors could be enhanced and include reference to the matter of bullying via social media.

In accordance with the Committee's previously utilised review process, the Monitoring Officer was asked to:

- consult on each of the Codes and Protocols with relevant officers, the political groups on the Council, and also with the Parish and Town Councils;
- investigate if other Local Authorities have a requirement upon Members and Officers to declare gifts that were offered and declined;
- review whether the Officer Code of Conduct should contain explicit reference to the limitations on politically restricted posts;
- review and enhance the Media Guidelines for Councillors by including reference to the matter of bullying via social media;

and report back to the Standards Committee at its meeting on 27th January 2020.

The Committee received the results of the Annual Review of the following Council Codes and Protocols, undertaken by the Monitoring Officer in accordance with the Committee's established review process and involving consultation with relevant officers, each of the political groups on the Council, and also with Parish Councils:

- Members' Code of Conduct.
- Officers' Code of Conduct.
- Monitoring Officer Protocol.
- Councillor Role Definitions.
- Media Guidelines for Councillors.
- Protocol for Member/Officer Relationships.
- Members Code of Good Planning Practice.

- Local Code of Corporate Governance.
- Recording, Photography and use of social media protocol and guidance.
- Public Question Time at Council Meetings Protocol and Guidance.
- The Whistleblowing Policy.

The Monitoring Officer drew Members' attention to the augmented code for media and social media as requested by the Committee at its previous meeting. Members' views were also sought on any submissions made in response to the Monitoring Officer's review, and whether changes were required to ensure these remain fit for purpose. Members queried if there was a need for a role definition for a member of this Committee which the Monitoring Officer undertook to investigate.

The Committee resolved that the outcome of the consultation on the Council's Codes and Protocols be noted and that these be approved for inclusion in the Council's Constitution for 2020/21.

Training

The Committee has continued to assure itself, by receiving regular updates, that appropriate ethical training of Borough Councillors and Parish Councillors is taking place. Reports were made to each of the Committee's meetings in the 2019/20 Municipal Year, providing a record of all the member training events that had taken place, including details of councillor attendance at those events and their feedback from those events.

The Council elections planned for May 2020 were cancelled due to the Covid-19 pandemic, with the councillors whose terms were due to end having their office extended by a period of one year. Therefore, no induction sessions have been held.

Parish Councils

The Standards Committee has continued to monitor training for Parish Councillors and offered assistance where required. The Committee has received an update at each of its meetings on training issues relating to local Parish Councils, including the details of training events held. All but two of Swindon's Parish Councils (Bishopstone & Hinton Parva, and Blunsdon) have adopted the Council's own Members' Code of Conduct. Where a Parish Council has opted to utilise an alternative code, training has been provided via the Wiltshire Association of Local Councils. The Monitoring Officer has carried out a number of training sessions for Parish Councils during the year. Two sessions were held on Code of Conduct matters with 27 councillors attending across both, and a session has been held on Chairing Skills which 6 councillors attended.

Complaints on Ethical Standards

The Council monitors complaints received from members of the public in relation to its operation and decision-making. No complaints were received during the 2019/20 Municipal Year that related to the ethical standards of the authority.

Dispensations

Under the arrangements for implementing the Localism Act 2011, the Council has previously agreed that the role of granting dispensations should be delegated to the

Standards Committee. At its meeting on 7th November 2016, the Committee authorised the Monitoring Officer to grant any applications for a dispensation in relation to any meeting at which any matter which has a bearing on the setting of the discounts and exemptions for Council Tax is being or is due to be considered until 6th November 2020. Dispensations are granted in consultation with the Chair of the Standards Committee.

The Committee noted that the Monitoring Officer, in consultation with the Chair of the Standards Committee, would continue to be authorised to grant, in accordance with the Localism Act 2011, applications for urgent dispensations on any subject matter in between meetings of the Committee, with any such dispensations granted being reported to the next scheduled meeting. No dispensations have been granted since the last report to this Committee.

Summary

The Standards Committee has continued to use its best endeavours to promote and monitor ethical standards in the authority and within local Parish Councils. It has actively supported a comprehensive review of codes of conduct and behavior and through the promotion of ethical training for Borough and Parish Councillors has undoubtedly enhanced the public perception of the Council's openness, accountability and probity, in its own work and in its joint working with partners and stakeholders.

The Committee has continued to monitor and review the Council's ethical framework, in conjunction with stakeholder and local community groups, to ensure that good governance is maintained and to protect the reputation of the authority.

Annual Work Programme

Standards Committee

Date: 29th June 2020

Author: Chief Legal Officer

Wards: All

Parishes Affected: All

1. Purpose and Reasons

1.1 To ask the Committee to agree its Work Programme for 2020/2021.

2. Recommendations

The Committee is recommended to:

2.1 Consider and agree its Work Programme for 2020/2021.

3. Detail

3.1 A draft work programme for the Committee for 2020/2021 is attached at Appendix 1 for the Committee to discuss and agree its priorities for the year. This is based upon the anticipated work for the Committee during the year, but can be adapted in response to any other matters which arise.

4. Alternative Options

4.1 There are no alternative options for this report. It is good practice to agree a work programme for the ensuing year, but this is a matter for the Committee to determine.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

5.1 There are no financial or procurement implications of this report.

Legal and Human Rights Implications

5.2 There are no specific legal or human rights implications of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

5.3 There are no other implications that have been identified as important for this report.

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752043, VYull@swindon.gov.uk.

Annual Work Programme

Standards Committee

Date: 29th June 2020

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report, as it does not recommend a change in Council policy or service.

Risk Management

- 5.5 A risk assessment has not been completed for this report as it does not recommend a change in Council policy or service.

6. Consultees

- 6.1 The author has consulted, where appropriate, with Corporate Directors, Directors, Heads of Service, other officers, and relevant partners on the purpose, content, and recommendations of the report.

7. Background Papers

- 7.1 None.

8. Appendices

- 8.1 Appendix 1 – Draft Work Programme for 2020/2021.

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752043, VYull@swindon.gov.uk.

Standards Committee Work Programme for 2020 / 2021

The following work programme is proposed:

Meeting	<u>Agenda Item</u>
29 th June 2020	<ul style="list-style-type: none"> • Appointment of the Vice-Chair. • Standards Committee Annual Report. • Annual Governance Statement and consideration of the Annual Governance Statement process. • Work Programme. • Ethical Framework Update. • Ethical Compliance Report.
12 th October 2020	<ul style="list-style-type: none"> • Commence review of Codes and Protocols. • Update to the Council's Ethical Audit Self-Assessment. • Ethical Framework Update. • Ethical Compliance Report.
4 th January 2021	<ul style="list-style-type: none"> • Review of Codes and Protocols in the context of consultation submissions from stakeholders. • Question and Answer Session with Leader and Chief Executive on Ethical Governance Arrangements. • Ethical Framework Update. • Ethical Compliance Report.
19 th April 2021	<ul style="list-style-type: none"> • Ethical Framework Update. • Ethical Compliance Report.
Regular Items:	<p>Ethical Framework Update</p> <ul style="list-style-type: none"> • Updates on training for Officers, Councillors and Parish Councillors in respect of ethical framework issues. • Updates on requests for dispensations. <p>Ethical Compliance Report</p> <ul style="list-style-type: none"> • Monitor complaints under the Council's Anti-Fraud and Corruption Strategy and Whistleblowing Policy. • Receive updates on complaints against Councillors.
Other reports and meetings as required:	<ul style="list-style-type: none"> • Assessment Panels to be convened as necessary to consider Code of Conduct complaints against members. • Urgent ethical and probity issues as they arise. • Responding to Government Guidance, Regulations and Consultations as issued.

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Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 29th June 2020

Author: Chief Legal Officer

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To consider the re-appointment of Mr Keith Strickland as a Lay Representative to the Panel for a period of one year, ending in March 2021.
- 1.2 To review the current frequency of meetings of the Swindon Independent Remuneration Panel, and any subsequent effect to the role profile and level of allowance paid to members of the Panel.
- 1.3 The operation of effective and transparent arrangements for the Swindon Independent Remuneration Panel supports the Council's commitment to good governance.

2. Recommendations

The Standards Committee is recommended to:

- 2.1 Endorse the re-appointment of Mr Keith Strickland as a Lay Representative to the Panel for a period of one year, ending in March 2021.
- 2.2 Note the membership of the Independent Remuneration Panel.
- 2.3 Subject to Council agreeing the index link for Members' Allowances for a four-year period (May 2021 to May 2025), to:
 - 2.3.1 Approve the recommendations from the Swindon Independent Remuneration Panel to amend its work programme by moving to a four-yearly review cycle and other changes relating to the frequency / timetable of its meetings as set out in Appendix 1 attached to this report.
 - 2.3.2 Review the current role profile of the Swindon Independent Remuneration Panel Member to determine if the profile is fit for purpose or requires updating.
 - 2.3.3 Review the current level of allowance paid to the Swindon Independent Remuneration Panel members to determine if the level is appropriate going forward.

Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 29th June 2020

3. Detail

Background

- 3.1 The Council established the Swindon Independent Remuneration Panel (IRP) in late 2001.
- 3.2 The IRP operates under the provisions of the Local Authorities (Members Allowances) (England) Regulations 2003. These Regulations require that all councils should set up independent panels, and take account of their advice, before changing their Councillors' Allowances Scheme.
- 3.3 The IRP helps set the level of allowances that are paid to Borough Councillors each year. The IRP is also involved in setting the level of allowances that are paid to Parish and Town Councillors in Swindon.

Membership

- 3.4 The Standards Committee is responsible under Article 9 of the Council's Constitution for overseeing and approving the composition and appointments procedure associated with the establishment and maintenance of the IRP.
- 3.5 The IRP is made up of six members who are independent of the Council – one each is appointed from the Education, Business and Voluntary / Community Sectors, and there are three Lay Representatives appointed following public advertisement. The three members of the IRP appointed from stakeholder / partner organisations serve for a term of office of four years. The three Lay Representatives are appointed for a period of three years. There is no restriction on the re-appointment of members.
- 3.6 The current membership of the IRP is:

Member	Capacity	Term of Office	Expiry date
Mr Keith Strickland (Chair)	Lay Member	3 years	March 2020
Mr Ram Thiagarajah	Lay Member	3 years	October 2020
Mr Graham Cardwell	Lay Member	3 years	January 2023
Mr John Dernie	Business Sector Representative	4 years	April 2022
Ms Michelle Howard	Voluntary / Community Sector Representative	4 years	July 2022

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752 043, vyull@swindon.gov.uk.

Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 29th June 2020

Mr David Body	Education Sector Representative	4 years	November 2023
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Appointment of Lay Representative

- 3.7 Mr Keith Strickland's current appointment to the Panel ended in March 2020. The Committee was unable to review this matter at that time due to the cancellation of its meeting on 23rd March 2020 as a result of the Covid-19 pandemic.
- 3.8 Mr Strickland has indicated that he does not wish to be re-appointed for a full three year term, but has stated his willingness to be re-appointed for a period of one year (ending in March 2021) to assist in the recruitment of a replacement member. The Committee is asked to endorse this approach.
- 3.9 The Committee is also asked to note and endorse the membership of the Swindon IRP going forward.

Meeting frequency / timetable of the Panel

- 3.10 The Panel currently meets annually and determines each year the level of review it wishes to undertake. If there have been no substantial changes to the committee structure or role profiles then the Panel often chooses to undertake a light touch review. Periodically, the Panel determines to undertake a deeper review to ensure the allowances remain fit and proper, and also when events have resulted in changes to the committee structure or role profiles.
- 3.11 At its meeting on 17th February 2020, the Panel agreed that there is no longer a pressing need for an annual review given the Council's adoption of an index link to officers pay for Members Allowances. As such, it resolved to request that this Committee review the frequency and timetable of Panel meetings.
- 3.12 The Panel is proposing that it no longer meets annually to undertake light touch reviews (when nothing material has changed) and is instead convened once every four years. At that time it would undertake a thorough and comprehensive review of the Councillors' Allowances Scheme.
- 3.13 During the three years it is not required to meet, the Panel members are proposing to be on 'standby' to undertake ad-hoc reviews should any extraordinary or significant circumstances come to light that may require amendments to the Councillors' Allowances Scheme.
- 3.14 During the three years it is not required to meet, the Panel members are also proposing that they be invited to an annual briefing to update them on any relevant matters.
- 3.15 Council has adopted an index link from officer salaries to Members Allowances, meaning that the same percentage increase is applied to both each year. The

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752 043, vyull@swindon.gov.uk.

Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 29th June 2020

Committee is asked to note that Council can only apply an index link for a period of four years as required by legislation, and that the current link ends in May 2021. The Panel will be recommending to Council that another four year index link be adopted, ending in May 2025.

- 3.16 The Panel undertook a comprehensive review of the Councillors' Allowances Scheme for the 2020/2021 Municipal Year, and a light touch review of the Scheme for the 2021/2022 Year. Given this, the Panel is recommending that the following timetable be adopted going forward, in line with the statutory requirement to hold a review at least once every four years.

Municipal Year Allowances	IR Panel Meeting / Review
2020 – 2021	Comprehensive review already undertaken by Panel. Allowances agreed by Council in July 2019 for adoption in May 2020.
2021 – 2022	Light touch review already undertaken by Panel. Allowances to be agreed by Council in July 2020 for adoption in May 2021. Recommendation to continue a four year index link of Members Allowances to staff % increases in pay beginning 2021-2022 and ending in 2024-2025.
2022 – 2023	Annual briefing meeting (review undertaken if requested by Council).
2023 – 2024	Annual briefing meeting (review undertaken if requested by Council).
2024 – 2025	Annual briefing meeting (review undertaken if requested by Council).
2025 – 2026	Comprehensive review to be undertaken by the Panel. Allowances to be agreed by Council in July 2024 for adoption in May 2025. Recommendation to continue a four year index link of Members Allowances to staff % increases in pay beginning 2025-2026 and ending in 2028-2029.

- 3.17 It is proposed that this timetable applies indefinitely until circumstances require a review. The Committee is therefore being asked to approve the recommendations from the Swindon Independent Remuneration Panel relating to the frequency / timetable of its meetings as set out in Appendix 1 attached to this report.

Panel Member – Role Profile

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752 043, vyull@swindon.gov.uk.

Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 29th June 2020

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- 3.18 A Panel Member Role Definition (attached at Appendix 2) has been in place for some years to assist in the recruitment of panel members. At its meeting on 6th November 2017 this Committee reviewed the Role Profile, in comparison with those used by Medway Council and Plymouth City Council, two authorities within the former Audit Commissions 'family grouping' to which Swindon Borough Council belonged.
- 3.19 Subject to Committee approval of the changes to the frequency / timetable of Panel meetings, members are invited to consider whether the Swindon Panel Member Role Definition should be amended or whether it remains up-to-date and fit for purpose.

Panel Member – Remuneration

- 3.20 Local authorities are able to pay allowances to IRP members, and the Standards Committee has the delegated responsibility to determine this matter.
- 3.21 When the IRP was originally established in 2001, the Standards Committee determined at that time that an annual allowance of £125 should be paid to each member. This was based on an estimated time commitment of 15 hours per year. Travel and subsistence allowances were also payable as for other co-opted members, as set out in the Council's Scheme of Allowances.
- 3.22 At its meeting on 31st January 2005, the Standards Committee was requested to review this payment since additional responsibilities had been placed on Panels as a result of the Local Authorities (Members Allowances) (England) Regulations 2003 being introduced. The time commitment of panel members had proven to be more in the region of 18 hours per year for attendance at meetings plus preparation time. The Committee therefore agreed that the allowance should be increased to £200 per year, with travel and subsistence allowances remaining payable as for other co-opted members.
- 3.23 At its meeting on 6th November 2017, the Standards committee was requested to review this payment given that the allowance payable to members of the IRP had not been amended since 2005. The Committee agreed that the level of allowance paid to IRP members be increased to £225 with immediate effect, and that the allowance be index linked to any percentage increase awarded to officers in the national pay round until 2020, at which time the allowance would be further reviewed.
- 3.24 Given this, and also the changes to the requirements on panel members which the proposed changes to the meeting frequency / timetable will cause if approved, members are asked to confer and agree on any changes to allowances for members of the Panel.
- 3.25 It is worth noting that an individual panel member can choose not to accept any allowance payment offered, should they so wish.

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752 043, vyull@swindon.gov.uk.

Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 29th June 2020

4. Alternative Options

- 4.1 The Standards Committee could determine to not approve / endorse the recommendations as set out in paragraph 2.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Members of the Independent Remuneration Panel are currently entitled to receive an allowance of £234 per year (if they choose to claim it). Any increases to this allowance would be found from within existing budgets.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 No other implications were identified in the preparation of this report.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment (DIA) has not been undertaken as the report does not make any recommendations or have implications that affect services.

Risk Management

- 5.5 No risk management implications were identified in the preparation of this report.

6. Consultees

- 6.1 The author has consulted, where appropriate, with Corporate Directors, Directors, Heads of Service, other officers, and relevant partners on the purpose, content, and recommendations of the report.

7. Background Papers

- 7.1 None.

8. Appendices

- 8.1 Appendix 1 – Minutes of Independent Remuneration Panel held on 17th February 2020.
- 8.2 Appendix 2 – Role Profile of Independent Remuneration Panel members.

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752 043, vyull@swindon.gov.uk.

INDEPENDENT REMUNERATION PANEL

MONDAY, 17 FEBRUARY 2020

5. Future Cycle of Reviews

At its meeting on 22nd January 2020, the Panel noted that recommendations on its cycle resulting from its meeting with the Leader of the Council and the Chief Executive on 25th November 2019 had been submitted to the Standards Committee for consideration at its meeting on 27th January 2020. The Panel agreed that the recommendations had not been endorsed by its full membership, and the Standards Committee was requested to defer consideration until its meeting on 23rd March 2020.

The Panel considered a report reviewing the appropriateness of the existing cycle of its work each year on the Councillors' Allowances in Swindon, and was asked what (if any) recommendations it wished to make to the Council's Standards Committee (which has responsibility for determining the Panel's membership and Terms of Reference).

During discussion the Panel agreed that, when not requested by the Council to convene in a given year, it would still wish to meet to be kept briefed of any changes it should be aware of, ensuring a continuity of experience amongst its members.

Resolved – To request that the Standards Committee, at its meeting on 23rd March 2020, be asked to review the frequency and timetable for Panel meetings and consider the following recommendations from the Panel:

1. That the Panel be convened once every four years to undertake a thorough and comprehensive review of the Councillors' Allowances Scheme.
2. That, during the three years it is not required to meet, Panel members should be on 'standby' to undertake ad-hoc reviews should any extraordinary or significant circumstances come to light that may require amendments to the Councillors' Allowances Scheme.
3. That, during the three years it is not required to meet, Panel members be invited to an annual briefing to update them on any relevant matters.
4. That, given the Panels recent comprehensive review of the Councillors' Allowances Scheme for the 2020/2021 Municipal Year, the following timetable be adopted going forward:

Municipal Year	Panel Meeting / Review
2020 – 2021	Allowances already agreed by Council in July 2019 – for adoption in May 2020.
2021 – 2022	Light touch review – to be agreed by Council in July 2020 for adoption in May 2021.
2022 – 2023	Annual briefing meeting (review undertaken if requested by Council).
2023 – 2024	Annual briefing meeting (review undertaken if requested by Council).
2024 – 2025	Annual briefing meeting (review undertaken if requested by Council).
2025 – 2026	Comprehensive review – to be agreed by Council in July 2024 for adoption in May 2025.

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Independent Remuneration Panel Role Definition for Panel Member

ROLE PURPOSE:

- A.** To be responsible for making recommendations to the Council about the type and level of allowances to be paid to Councillors.

In particular, as a member of the Independent Remuneration Panel, to make recommendations to Swindon Council on:-

- the amount of basic allowance that shall be payable to elected Members;
- the amount of any co-optee allowance that shall be payable to non-elected members serving on the Council;
- the roles and responsibilities for which a special responsibility allowance is payable and the amount of each such allowance;
- the amount of travel, subsistence and dependant care allowances to be paid to councillors and non-elected members (co-optees) and the means by which they are determined;
- general issues associated with councillors' allowances, pensions and the Council's Scheme of Councillors' Allowances.

- B.** To be responsible for making recommendations to parish and town councils in Swindon about the type and level of allowances to be paid to parish and town councillors.

In particular, as a member of the Independent Parish Remuneration Panel, to make recommendations to parish and town councils on:-

- the amount of basic allowance that shall be payable to Swindon parish and town councillors;
- the payment of allowances to the chairs of parish and town councils in Swindon;
- the amount of travel and subsistence allowances payable to Swindon parish and town councillors and the means by which they are determined;
- general issues associated with parish and town councillors' allowances in Swindon.

DUTIES AND RESPONSIBILITIES:

To work with other Panel Members and officers of the Council:-

1. To meet the requirements of a non-elected member of a local authority, including compliance with all relevant codes of conduct.
2. To fully take part in the activities and decision-making role of the Independent Remuneration Panel and the associated Independent Parish Remuneration Panel.

3. To develop, as necessary, a working knowledge of the role of councillors, the Councillors' Allowances Scheme, the structure and operation of Swindon Council and its policies and practices.
4. To develop, as necessary, a working knowledge of the role of parish and town councillors, parish and town council allowances schemes, the structure and operation of parish and town councils and their policies and practices.
5. To develop as necessary a working knowledge of the statutory requirements, regulations and Government guidance concerning Councillors' allowances.
6. To develop, as necessary, a working knowledge of the councillors' allowances schemes operating in other local authorities and public bodies.

Independent Remuneration Panel on Councillors' Allowances Specification

Role of the Independent Remuneration Panel

The role of the Independent Remuneration Panel is to make recommendations to the Council on:-

- the amount of basic allowance that shall be payable to elected Members;
- the amount of any co-optee allowance that shall be payable to non-elected members serving on the Council;
- the roles and responsibilities for which a special responsibility allowance is payable and the amount of each such allowance;
- the amount of travel, subsistence and dependant care allowances to be paid to councillors and non-elected members (co-optees) and the means by which they are determined;
- general issues associated with Councillors' allowances, pensions and the Council's Scheme of Councillors' Allowances.

Members of the Independent Remuneration Panel (unless disqualified by being a serving member of a parish or town council) will automatically form the membership of the Swindon Independent Parish Remuneration Panel.

The role of the Independent Parish Remuneration Panel is to make recommendations to parish and town councils in Swindon on:-

- the amount of basic allowance that shall be payable to Swindon parish and town councillors;
- the payment of allowances to the chairs of parish and town councils in Swindon;
- the amount of travel and subsistence allowances payable to Swindon parish and town councillors and the means by which they are determined;

- general issues associated with parish and town councillors' allowances in Swindon.

Structure of the Panel

This panel will comprise of six independent non-council members.

Three lay persons recruited by way of public advertisement; and

Three persons recruited from the Swindon Business, Community / Voluntary and Education Sectors.

The Council's Standards Committee will make appointments to the Independent Remuneration Panel.

Term of Office of Panel Members

The three Sector Representatives of the Remuneration Panel will serve for a term of office of **four years**. The three Lay Representatives will serve for a term of office of **three years**. Members of the Panel may serve consecutive terms.

Chair of the Panel

The Council's Standards Committee will consider and appoint a Chair for the Remuneration Panel for the first year from the list of nominations received. Thereafter, the Remuneration Panel will appoint its Chair.

Arrangements for the Replacement of Panel Members

The Council's Standards Committee will be responsible for the replacement of panel members mid – term. This may result from resignation or may relate to the need for the Council to remove a discredited member from the panel (an example being a member of the panel being found guilty of a criminal offence). The Council's Standards Committee will ensure that the provision to change panel members mid-term is not itself abused for political or vexatious ends.

Time Commitment of Panel Members

Time commitment is variable. However, it is estimated that the time commitment should be no more than 18 hours in any one year.

Remuneration Arrangements

Members of the Independent Remuneration Panel will receive an allowance of £234 per year paid on a monthly basis. They will also be permitted to claim travelling and subsistence allowance in accordance with the Council's scheme for other non-elected co-opted members.

Meetings of the Panel

Meetings of the Independent Remuneration Panel will be called as and when required by the Chief Legal Officer and in consultation with the Remuneration Panel Chair.

Administrative Support to the Panel

The Council will provide the Independent Remuneration Panel with the necessary resources and administrative support to undertake their work.

Applicant Specification

Set out below is an “Applicant Specification” to apply to applications for membership of the Independent Remuneration Panel on Councillors’ Allowances

Independence - The Council’s Standards Committee stresses the need for appointments to the Independent Remuneration Panel to be clearly seen as independent.

Applicants for membership of the Panel should not be associated with the political groups on the Council. Applicants must declare friendship or any other personal association with any member or officer of the Council.

Preference will always be given to applicants who in the minds of the local community will be perceived as being independent of the Council and its Members.

Qualifications and Experience – No formal qualifications or experience are required.

An interest in issues of local governance is essential

A candidate’s knowledge of local government and the way it works is desirable. However, a lack of familiarity with the functions of councils will not bar an appointment.

A candidate will need to be able to assess and interpret information and situations and to communicate effectively their views.

Proven administrative and organisational skills would be useful but are not essential.

A conscientious approach and an approachable manner will be desirable in any Panel member.

An understanding of benchmarking remuneration or of job evaluation or remuneration schemes in other settings would be useful.

Ethical Framework Update

Standards Committee

Date: 29th June 2020

Author: Chief Legal Officer

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To provide an update on various matters related to the Ethical Framework, and to keep the Committee informed of issues of probity in the Council.

2. Recommendations

The Committee is recommended to:

- 2.1 Comment upon and note the Ethical Framework update, including: dispensations granted to members of the Borough Council; membership of the Committee for the 2020/2021 Municipal Year; the Summary of Code of Conduct complaints; the latest position regarding Councillor training and development within the Borough, and; the latest position regarding the Register of Interests for all Borough Councillors.
- 2.2 Note that Haydon Wick Parish Council has proposed changes to the Council's Codes and Protocols which will be considered within a review of the Code of Conduct and be reported back to this Committee.

3. Detail

Dispensations

- 3.1 Section 33 of the Localism Act 2011 enables members who consider that they may have a disclosable pecuniary interest to apply for a dispensation to allow them to speak and vote. Any dispensation granted under section 33 of the Localism Act 2011 must specify the period for which it has effect, and the period specified may not exceed four years.
- 3.2 At its meeting on 7th November 2016, the Standards Committee authorised the Monitoring Officer, in consultation with the Chair of the Standards Committee, to grant applications for urgent dispensations on any subject matter in between meetings of this Committee. Any such dispensations to be reported to the next scheduled meeting of this Committee.
- 3.3 No Councillors have sought dispensations since the last report to this Committee.

Membership of the Standards Committee

Parish Representatives

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752043, VYull@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 29th June 2020

- 3.4 The Wiltshire Association of Local Councils Swindon Area Committee has advised that the existing Parish Council representatives on the Standards Committee, Messrs Mike Compton (Blunsdon) and Richard Hailstone (Haydon Wick), were again nominated for membership of the Committee.

Lay Representatives

- 3.5 Messrs Trevor Davies and David Dawson were duly appointed to the position of Lay Representatives on the Standards Committee at the Annual General Meeting of the Council on 17th May 2019, for a period of two years ending in May 2021.

Independent Persons

- 3.6 Messrs Paul Morris and Keith Strickland were duly appointed to the position of Independent Persons at the Annual General Meeting of the Council on 18th May 2018, for a period of four years ending in May 2022.

Summary of Code of Conduct Complaints

- 3.7 At its meeting on 21st July 2014, the Committee agreed that, in response to a suggestion put forward by a member of the public during the consultation on the Council's Standards arrangements, a summary of Code of Conduct complaints, including details of complaints received during the year and comparative data for preceding years, be made to each meeting of the Committee. This information is set out below.

Year	Complaints	No Further Action	Informal Resolution	Referred for Investigation	No action following referral	Breach following hearing
2010/11	12	8	N/A	4	4	0
2011/12	10	8	N/A	2	2	0
2012/13	5	5	N/A	0	0	0
2013/14	14	11	2	3	1	0
2014/15	5	5	0	0	0	0
2015/16	4	4	0	0	0	0
2016/17	1	1	0	0	0	0
2017/18	36	27	1	8	8	0
2018/19	9	6	1	2	2	0
2019/20	5	1	4	0	0	0

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752043, VYull@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 29th June 2020

- 3.8 The Committee is asked to note that a number of Code of Conduct Complaints have been submitted to the Monitoring Officer but have not yet been considered by the Standards Assessment Panel due to the Covid-19 pandemic. However, Standards Assessment Panels will be convened shortly to consider such complaints.

Member Training

- 3.9 Attached at Appendix 1 is a record of all the member training events that took place during the 2019/2020 Municipal Year, including details of councillor attendance at those events.
- 3.10 Work is progressing on the Member Training and Development Programme for the 2020/2021 Municipal Year, which the Member Development Advisory Group will be asked to agree. This will be reported to future meetings of this Committee.
- 3.11 The Committee is reminded that a number of sessions held for Borough Councillors were also open to Parish Councillors, and these are indicated in Appendix 1. Parish councillors will also be offered planning training specific to them during the 2020/2021 Municipal Year.

Register of Interests

- 3.12 A reminder has been recently published in the Members Bulletin inviting councillors to review the current copy of their form in the Register. Any responses that are received will be logged, and the Register updated accordingly.

Consideration of any recommended updates to Codes and Protocols

- 3.13 The Standards Committee annually reviews the Council's Codes and Protocols to ensure that these remain appropriate and up to date. In line with the procedure utilised for previous reviews, and in order to facilitate the Committee's consideration of this matter, the Council's Codes and Protocols were distributed for consultation in December 2019. The following were consulted:
- 3.13.1 All Parish and Town Councils.
- 3.13.2 The Political Groups on the Council (via the Political Assistants and Councillor Stan Pajak (on behalf of the Liberal Democrat Group)).
- 3.13.3 Corporate Directors and Heads of Service.
- 3.14 The Codes and Protocols were considered by this Committee at its last meeting on 27th January 2020. At that time Haydon Wick Parish Council requested further time to consider the Codes and Protocols and the Committee agreed to this request.

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752043, VYull@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 29th June 2020

- 3.15 Haydon Wick Parish Council have since sent in representations regarding the Code of Conduct, the Members Code of Good Planning Practice and the Monitoring Officer Protocol. Considerable changes have been proposed and need to be considered by the Monitoring Officer to enable the Monitoring Officer to comment and advise the Committee (which has not been possible to date due to the Covid-19 emergency).
- 3.16 The Committee is asked to note that officers will be undertaking a review of the Code of Conduct and the Arrangements for Code of Conduct complaints during the latter half of 2020, as part of which the amendments proposed by Haydon Wick Parish Council will be considered. Additionally, the Local Government Association has issued a proposed Model Code of Conduct for consultation (considered elsewhere on the agenda) which may result in changes to the Code of Conduct if the Model Code of Conduct were to be adopted by the Council.

4. Alternative Options

- 4.1 Any alternative options are set out in the body of the report.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Any financial or procurement implications will be contained within the existing budget.

Legal and Human Rights Implications

- 5.2 The legal and human rights implications, where applicable, are set out in the body of the report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications that have been identified as important for this report.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report as it does not recommend a change in Council policy or service.

Risk Management

- 5.5 A risk assessment has not been completed in relation to this report as it does not recommend a change in Council policy or service. Arrangements for meeting the requirements of the Localism Act, and monitoring probity of the Council, ensures that good governance is maintained and protects the reputation of the organisation.

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752043, VYull@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 29th June 2020

6. Consultees

- 6.1 The author has consulted, where appropriate, with Corporate Directors, Directors, Heads of Service, other officers, and relevant partners on the purpose, content, and recommendations of the report.

7. Background Papers

- 7.1 None.

8. Appendices

- 8.1 Appendix 1 – Councillor attendance at training sessions 2019-2020.

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Municipal Year 2019 – 2020

* Also open to Parish Councillors

NB 'Y' indicates where a councillor has attended a similar session in previous years.

	Introduction to Planning 20 May 2019	Introduction to Licensing 22 May 2019	* Skills & Models for effective cllrs 25/06/19	Managing Ward Work * 22 July 2019	* Social Media 24 July 2019	Managing the Budget 17 September 2019	Code of Conduct * 30/09/19 & 17/10/19	IT Training 13 November 2019	* Chairing Skills 3 December 2019	* Equality & Inclusion 15 January 2020	Corporate Parenting 01/10/19 & 03/02/20
Borough Cllr attendance	9	-	6	8	3	3	5	5	2	2	12
Parish Cllr attendance	-	-	7	1	4	-	27	-	6	6	-
Ali, Junab		Y						1			
Allsopp, Steve											
Amin, Abdul		Y		1					Y		1
Ballman, John											
Ballman, Ray											
Bishop, Alan	Y	Y							Y		
Burns-Howell, Nick	1					1					
Bushell, Emma				1							
Courtcliff, Matthew			1			Y					1
Crilly, Claire				1		Y			1	Y	
Davies, Malcolm		Y									
Dempsey, Mark											
Dixon, Paul	1								Y		
Donachie, Oliver									Y		
Exell, Steph	1	Y							Y		
Faramarzi,		Y									

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Emma											
Ford, Brian								1		1	
Grant, Jim											
Heenan, Dale											
Heyes, Steve											1
Holland, Russell											
Howard, Fay		Y							Y		
Howarth, Janine											1
Ibitoye, Oladapo			1		1			1		1	1
Jandy, Robert	1		1	1		1	1				1
Jefferies, Jennifer	1		1	1	1						1
Manro, Vinay				1							1
Martin, Mary						Y					Y
Martin, Nick	1	Y				Y			Y		1
Martyn, Cathy	Y	Y							Y	Y	
Mattock, Brian	Y	Y		1						Y	1
Milner-Barry, Jane	Y										
Pajak, Stan											

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Parry, Barbara	Y								Y		Y
Parry, Kevin											
Penny, Maureen	Y	Y					1	1	Y	Y	Y
Perkins, Garry											
Renard, David									Y	Y	
Robbins, James											Y
Shaikh, Adorabelle	Y										
Shaikh, Imtiyaz		Y									
Shelley, Carol		Y									Y
Small, Kevin	Y										
Smith, Roger											
Solomon, Bazil			1								
Spry, Andrew											
Sumner, Gary							1				
Swinyard, Tim	Y										
Sydney-Smith, Caryl	1	Y				1	1		Y		
Tarar, Rahul	1	Y				Y			1		
Tomlinson, Vera		Y									

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Watts, Nadine	Y	Y									
Watts, Peter	Y	Y		1					Y		
Weisinger, Steve	1								Y	Y	
Williams, Keith							1				
Wright, Bob			1		1			1	Y	Y	1

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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