

## Swindon Borough Council

# Standards Committee

**Monday, 4 July 2016**

Committee Room 6, Civic Offices

**At 5.00 p.m.**

### **Councillors**

Colin Lovell  
Kevin Parry  
Gary Sumner  
Vera Tomlinson  
Steve Weisinger  
Cathy Martyn (Deputy)  
Caryl Sydney-Smith (Deputy)  
(Conservative)

Fay Howard  
Teresa Page  
Joe Tray  
(Labour)

Dave Wood  
(Liberal Democrat)

### **Independent Persons for Information:**

Paul Morris  
Keith Strickland

**Committee Officer:** Steve Jones (Telephone 01793 463602)  
email: [stevejones@swindon.gov.uk](mailto:stevejones@swindon.gov.uk)

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

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## **AGENDA**

### **1. Apologies for Absence**

### **2. 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.

**3. Minutes** (Pages 5 - 6)

(To confirm the minutes of the meeting held on 14<sup>th</sup> March 2016)

**4. Public Question Time**

*(See explanatory note below. Please phone the Committee Clerk whose name and number appears at the top of this agenda if you need further guidance.)*

**5. 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>
<u>9</u>	<u>1 and 2</u>

**6. Standards Committee Annual Report** DLDS (Pages 7 - 22)

**7. Annual Work Programme** DLDS (Pages 23 - 26)

**8. Ethical Framework Update** DLDS (Pages 27 - 54)

**9. Ethical Compliance Report** (Pages 55 - 58)

24 June 2016 (being date of agenda despatch)

**Key:**

DLDS - Director of Law and Democratic Services

**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). We will give priority to those who submit questions in writing at least two days before the meeting. 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 Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sched=doc&cat=13338&path=0>) or from the Committee Officer named above.

**Access Arrangements** - *The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Officer, whose name appears at the top of this agenda, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

### **Standards Committee - 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.

**STANDARDS COMMITTEE**

**MONDAY, 14 MARCH 2016**

PRESENT:- Councillor Michael Bray, Councillor Fay Howard, Councillor Teresa Page, Councillor Maureen Penny, Councillor Eric Shaw, Councillor Carol Shelley, Councillor Vera Tomlinson, Councillor David Wood (Chair), Mr Keith Strickland, Mr Trevor Davies, Mr David Dawson, Mr Richard Hailstone and Mike Compton.

**24. Declarations of Interest**

The Chair reminded members of the need to declare known interests in any matters to be considered at the meeting.

No declarations of interest were made.

**25. Minutes**

Resolved – That the minutes of the meeting held on 25<sup>th</sup> January 2016 be confirmed and signed as a correct record.

**26. Public Question Time**

There were no public questions.

**27. 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 they involved 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>
7	1 and 2	29

**28. Ethical Framework Update**

The Committee received a report from the Director of Law and Democratic Services providing an update on matters relating to the Ethical Framework, including:

- Dispensations.
- Code of Conduct Complaints.
- Member Training.
- The effective chairing of Licensing Panels.
- The effectiveness of changes made to the Council's arrangements for dealing with Code of Conduct complaints following review.

Resolved – (1) That the Ethical Framework update be noted.

(2) That, further to Minute 21(6), it be agreed that chairing skills training continues to

be offered to members in its current form and that particular issues relating to the chairing of Licensing Panels be addressed by means of a secondary, "follow-on" training session, specifically tailored to meet the needs of the Licensing function. (3) That the officers' view, that the revisions made to the arrangements for dealing with Code of Conduct complaints have been successful in addressing particular issues identified by the Standards Committee, be endorsed and that it be agreed that no further revision of the arrangements is required at this time. That the arrangements for dealing with Code of Conduct complaints be again reviewed by the Committee in 12 months' time, as part of its 2016/17 work programme.

## **29. Ethical Compliance Report**

The Committee considered a report of the Director of Law and Democratic Services on ethical framework compliance matters. It was noted that, since the last meeting of the Committee, no whistleblowing cases or complaints of breaches of the member/officer relations protocol or the Member Code of Conduct had been received. The Director of Law and Democratic Services did, however, advise of the receipt of an, as yet, unregistered Code of Conduct complaint, the details of which were the subject of an ongoing dialogue between the Monitoring Officer and the complainant and on which matter the Committee's endorsement was sought on the measures being taken by the Monitoring Officer to resolve the particular issues preventing the matter being satisfactorily progressed and/or resolved.

Resolved – (1) That the Ethical Framework Compliance report be noted. (2) That, with regard to the unregistered Code of Conduct complaint, the complainant be advised that, having consulted the Standards Committee, unless the complainant can provide the necessary supporting information to allow the complaint to be progressed before the end of March 2016, the Monitoring Officer be authorised to confirm the complaint to be outside the scope of the Code of Conduct arrangements and that no further will be taken in respect of the complaint.

## Standards Committee Annual Report

**Standards Committee**

**Date: 4th July 2016**

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Author: Director of Law and Democratic Services  
Wards: All  
Locality Affected: All  
Parishes Affected: All

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### **1. Purpose and Reasons**

- 1.1 To ask the Committee to agree its Annual Report for 2015/16.

### **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 2015 – May 2016.

### **3. Detail**

- 3.1 The Standards Committee has each year prepared an Annual Report summarising the work its work for the previous year.
- 3.2 The draft of the Annual Report for 2015/16 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.

### **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.

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Further information on the subject of this report can be obtained from either Stephen Taylor on 01793 463012 or [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk), or Steve Jones on 01793 463602 or [stevejones@swindon.gov.uk](mailto:stevejones@swindon.gov.uk).

# Standards Committee Annual Report

**Standards Committee**

**Date: 4th July 2016**

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## 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 this report, as it does as it does not recommend a change in Council policy or service.

## **6. Consultees**

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1 – Draft Standards Annual Report for the period June 2015 to May 2016

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Further information on the subject of this report can be obtained from either Stephen Taylor on 01793 463012 or [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk), or Steve Jones on 01793 463602 or [stevejones@swindon.gov.uk](mailto:stevejones@swindon.gov.uk).

**Swindon Borough Council**

# **Standards Committee**

**Annual Report**

**1<sup>st</sup> June 2015 – 31<sup>st</sup> May 2016**

## Introduction

The Council adopted a new Members Code of Conduct with effect from 1 July 2012 and, at that time, appointed a non-statutory 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 (attached to this report at Appendix 1).

This Annual Report is a record of the work of the statutory Standards Committee in the period June 2015 to May 2016.

## Membership of the Committee for 2015/16:

<b>Councillors</b>	<b>Parish Representatives</b>	<b>Lay Members</b>	<b>Independent Persons</b>
Cllr David Wood (Chair) Cllr Mick Bray Cllr Fay Howard Cllr Richard Hurley Cllr Teresa Page Cllr Maureen penny Cllr Eric Shaw Cllr Carol Shelley Cllr Vera Tomlinson Cllr Mark Edwards (Deputy) Cllr Kevin Parry (deputy)	Mr Mike Compton Mr Richard Hailstone	Mr Trevor Davies Mr David Dawson	Mr Keith Strickland Mr Paul Morris

## Independent Persons and the Independent Persons Protocol

Under the Localism Act 2011, the Council has appointed two Independent Persons (IPs) for 2015/16, 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. The period of these appointments (including an option to extend for a further year, which was exercised) expired on the date of the Annual Council meeting in 2014. At that meeting, following the advertising of the two vacancies, both Mr Morris and Mr Strickland were re-appointed for a further 4 years.

In November 2015, Mr Strickland attended regional training, conducted by Hoey Ainscough, on the role of the Independent Person. Mr Morris was unable to attend that training event but has

attended previous workshops for Independent Persons and the officers they work alongside on standards issues. 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 2015/16 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 four occasions in the 2015/16 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 2015/16 3 complaints were received. The Panel met on 1 occasion to review 2 of the complaints. The third complaint was resolved in 2016/17\*. The following table provides a summary of the complaints received during the course of the year, and the outcomes, and also provides comparative data for the previous 7 years.

Year	Complaints	No Further Action	Referred for Monitoring Officer or other Action	Referred for Investigation	Breach following hearing	No action following referral	Local Resolution
2008/09	14	13	0	1	1	0	N/A
2009/10	7	4	1	2	1	1	N/A
2010/11	12	4	4	4	0	4	N/A
2011/12	10	6	2	2	0	2	N/A
2012/13	5	5	0	0	0	0	N/A
2013/14	14	10	1	3	0	1	2
2014/15	5	5	0	0	0	0	0
2015/16	3	3*	0	0	0	0	0

### Type of Complaints

The three Code of Conduct complaints received during 2015/16 all related to allegations about

the conduct of Parish Councillors.

The three complaints received were made by members of the public.

### Processing of Complaints

The Standards Assessment Panel carried out the first stage assessment of 3 separate complaints received in accordance with the Standard Committee's agreed process for the initial assessment of complaints. When measured against its criteria to determine whether a complaint merited further action being taken, however, the Panel felt that, although there was the potential in 2 of the complaints to constitute a breach of the Code of Conduct, neither of the complaints was sufficiently serious, nor was it in the public interest, to refer the matter for further investigation as this would be disproportionate to the seriousness of the complaint. As regards the third complaint, the Panel was of the view that there did not appear to be a potential breach of the Code of Conduct and determined that no further action be taken.

### 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 also 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 2015/ 2016.

The Monitoring Officer has continued to work behind the scenes in discussion with senior officers and political groups, in relation to any incident, which he has been made aware of informally.

### **Monitoring of Whistleblowing Complaints**

Throughout the year, the Standards Committee has continued to monitor complaints received under the Council's Whistleblowing policy and were notified of new complaints and the progress and outcomes of investigations, and considering learning points which arise.

During 2015/16, the Standards Committee was advised of the receipt by the Council of 11 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.

Of the 11 cases reported to the Standards Committee:

- 3 were unsubstantiated and no further action was taken
- 1 was unsubstantiated but a number of improvements were made to management processes as a result of the Internal Audit investigation

- 4 were referred to management with recommendations that existing working arrangements be amended and, where appropriate, for disciplinary to be taken.
- The other three cases remain to be concluded.

## **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 Committee noted that the AGS had been revised following discussion at Corporate Board, to include the following additional areas in the statement for 2014/15:

- Supporting Vulnerable Children
- Licensing: Taxis and Private Hire
- Isambard Community School
- Corporate buildings: statutory compliance
- Waterside Depot improvement plan
- GCSE attainment
- IT Service

The Committee reviewed the draft Annual Governance Statement, and agreed that it be approved to be signed off by the Leader and Chief Executive in September 2015, following its formal approval by the Council's Audit Committee.

## **The Council's Whistleblowing Policy**

At its meeting in July 2015, the Standards Committee was also able to review the Council's Whistleblowing Policy to ensure that it complied with legislation and best practice. It was noted that, since last considered by the Committee, the policy had been updated to include:

- A 'front sheet' on the intranet that provides key contact numbers including the Council's confidential whistleblowing number and contact details for the Director of Law and Democratic Services; Head of Internal Audit; Head of Children, Families and Community Health and the Head of Commissioning: Children and Adults, as sources of advice.
- Specific reference to the abuse of a child or adult as being an example of a concern that can be raised under whistleblowing

- The inclusion of both the Head of Children, Families and Community Health and the Head of Commissioning: Children and Adults in relation to advice regarding vulnerable children or adults (contact numbers are provided on the front sheet)
- Reference to the Enterprise and Regulatory Reform Act 2013

The Standards Committee approved the updated version of the Council's Whistleblowing Policy. Members also acknowledged that the effectiveness of such policy was very dependent on the level to which the information was broadcast and asked that the policy be publicised through the Council's Core Brief and Manager's Bulletin and other publications as appropriate.

## **New Regulations relating to the dismissal of a statutory officer**

At its July meeting, the Standards Committee considered new Regulations made on 25th March in relation to changes to the framework for dismissal of statutory officers. These changes were incorporated into the Council's Standing Orders at its Annual Meeting on 22nd May 2015.

## **Independent Remuneration Panel on Councillors' Allowances: Membership**

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 Committee's views were sought on the appointment of a representative of the (Higher) Education Sector to serve on the Independent Remuneration Panel, following the resignation of the former Education Sector representative, and it endorsed the appointment of Mr. Angus (Gus) Strang.

In accordance with additional provisions of Article 9, the Committee also endorsed composition and appointments procedure associated with the establishment and maintenance of the Independent Remuneration Panel.

## **Desktop Ethical Audit**

The Standards Committee has 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 October 2015.

In considering the elements of the Audit, members raised the issue of training for members of the Education Transport Appeals Sub-Committee, in relation to legislative changes pending for the 2016/17 Academic Year. It was established subsequently that appropriate training had been arranged for members of the Appeals Sub-Committee.

## **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 newly-appointed Chief Executive, John Gilbert, attended the meeting of the Committee on 25<sup>th</sup> January 2016.

Matters raised during the course of the discussion included:

- Trends evidenced in feedback from staff surveys and whether continuing austerity and fiscal challenges were having an identifiable effect on staff morale and motivation.
- The accessibility of the Chief Executive by staff, particularly through social media platforms and other informal methods of communication.
  - The Council’s recognition of social media as a valid means of communication and the protocols around such social media usage.
- The officers’ code of conduct and the effectiveness of that ethical framework in establishing standards for workplace behaviour and personal conduct.
- The challenge of ensuring that corporate ethics are maintained in relation to the use by members and officers of a greater diversity of social media platforms and other informal communications options.
- The Leader of the Council’s view of the strength of member/officer relationships in progressing corporate objectives and priorities and whether continuing austerity measures and the fiscal pressures faced by the Council on a daily basis had led to any significant straining of those relationships.
- The members’ planning code of good practice and issues that had been raised by members.
- The future of the localities’ team, its focus going forward and options for enhancing the Council’s engagement with the wider public.
- The noticeable increase in the number of Parish Councillor Code of Conduct complaints and possible implications for ethical training provision for Parish Councils.

## **Effectiveness of training and development**

At its meeting on 6th July 2015, in considering specific references in the draft Annual Governance Statement, members had asked that the Member Development Advisory Group (MDAG) be invited to consider enquired as to the effectiveness of member training and development, and the need to clarify the member functions and roles. The Committee also agreed that the MDAG be asked to consider the practicalities and possibility of extending some member training events to include Parish Councils, where such training might be of benefit to Parish Councillors in fulfilling their role, particularly in relation to their interactions with the Borough Council.

As a result of these specific references from the Standards Committee, MDAG, at its meeting on 15th October 2015, thanked the Committee for bringing these concerns to its attention. MDAG was able to provide assurance that the training and development offer to Councillors at Swindon Borough Council remained varied and relevant, that the levels of attendance at

sessions is improving, and that the Group was continuing to monitor and review the Programme to ensure that any actions implemented continued to enhance the effectiveness of member training and development.

MDAG also advised that (i) all Councillor Role Definitions are set out in detail in Part 5 Section 4 of the Constitution and that this was reviewed on an annual basis at Council, and (ii) the Director of Law and Democratic Services also references key aspects of a councillors role as part of his induction training for newly elected councillors each year.

In addition, the Standards Committee was advised that the Members Bulletin, circulated each week to all Parish and Town Councils, contains a list of forthcoming training events hosted by Swindon Borough Council for its members and that there was an open invitation to all Parish and Town Councillors to express an interest in a session (events not suitable for them were clearly marked).

## **Whistleblowing – NSPCC helpline**

At its meeting in January 2016, the Committee was advised of the launch by the NSPCC of a national whistleblowing helpline for employees wishing to raise concerns about a child at risk of abuse. The purpose of the helpline was to establish another route for employees to blow the whistle alongside existing mechanisms via an easily accessible, national whistleblowing portal for an employee. A child abuse concern would be referred by NSPCC to a local authority's Designated Officer for investigation or action, as now under statutory guidance.

The Standards Committee welcomed this initiative to raise concerns about a child at risk of abuse and agreed that the Monitoring Officer be authorised to update the Council's own whistleblowing policy to include the helpline contact telephone number once this is available, and details of the new OFSTED guidance on whistleblowing.

## **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 25<sup>th</sup> January 2016, 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.
- Guidance to Councillors on dealings with the media.
- Protocol of Member/Officer Relationships.
- Local Code of Governance.

- Members Planning Code of Good Practice.
- Public Question Time at Council Meetings.
- Recording, Photography and use of social media.

Members' views were sought on the various submissions made in response to the Monitoring Officer's review and whether changes were required to ensure these remain fit for purpose. Subject to minor changes, the Codes and Protocols were approved for re-issue as part of the Council's Constitution 2016/17.

## **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 2015/16 Municipal Year, providing a record of all the member training events that had taken place, including details of councillor attendance at those events.

Following the Council elections in May 2016, an induction session was held on 9 May 2016 to welcome five Councillors who had not been members of the Council before, as well as one former-Councillor. In addition to affording these six members the opportunity to meet the Chief Executive and other senior officers, they received an introduction to Council finances, and had a session with the Monitoring Officer on the Ethical Framework (covering Ethics and Probity, Code of Conduct and Register of Interests). Individual sessions were held subsequently with the Monitoring Officer on the Ethical Framework for two of the councillors who were unable to make the group session.

Further committee-specific induction sessions have already taken place, with further planned in due course.

## **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 15 Parish Councils (Bishopstone 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 (WALC). The Monitoring Officer has carried out a number of training sessions for Parish Councils during the year. Four sessions have been held on Ethics training, and two sessions have been held on Chairing Skills. 64 Councillors received the Ethics training, and 16 received the Chairing Skills training.

The Monitoring Officer has continued to chair quarterly meetings of Parish Clerks in the Borough throughout the year, and the Ethical Framework is a standing item on the agenda, with any issues arising able to be reported back to the Standards Committee. In addition, quarterly liaison meetings chaired by the Monitoring Officer continued to be held between Parish Councillors and representatives of the Borough Council to promote and maintain the

Borough / Parish Charter, which is an important part of decision-making and proper consultation between the Borough and the Parishes.

## **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 2015/16 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 12 December 2012, the Committee authorised the Director of Law and Democratic Services 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 for a four year period. Dispensations are granted in conjunction with the Chair of the Standards Committee.

Following the Local Government election in May 2016, the six newly-elected members applied for dispensation and these were subsequently granted by the Director of Law and Democratic Services in conjunction with the Chair of the Standards Committee. The dispensations will remain valid until 14 October 2016, in line with the period of dispensation made to other members of the Council previously.

## **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.

## Article 9 – The Standards Committee

### 9.01 Composition

- (a) **Membership.** The Standards Committee will be composed of
- at least six Councillors (who may not be the Mayor, the Leader of the Council or the Leader of any other political group on the Council or a Cabinet Member);
  - up to two co-opted members who are not councillors or officers of the Council, and have not been so during the previous 5 years, and are not a close relative or friend of a councillor or officer of the Council (lay members).
  - up to two people who are members of any parish council wholly or mainly in the Council's area (to be nominated by the parish councils within the Borough) who are not also members of the Borough Council (parish members).
- (b) **Lay and Parish Members.** - Lay and parish members will not be entitled to vote at meetings;
- (c) **Quorum.** A quorum shall be three members including at least two councillors

### 9.02 Role and Function

The Standards Committee will have the following roles and functions:

- (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.

### 9.03 **Advice and Procedure**

The Council's Monitoring Officer or his/her nominee will act as Clerk to the Committee.

The Committee will adopt such procedures as it considers necessary to discharge its role and appoint such sub-committees or Panels as it thinks fit, including an Assessment or Hearings Panel as required.

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## Annual Work Programme

**Standards Committee**

**Date: 4<sup>th</sup> July 2016**

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Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### **1. Purpose and Reasons**

- 1.1 To ask the Committee to agree its Work Programme for 2016/17.

### **2. Recommendations**

The Committee is recommended to:

- 2.1 Consider and agree its Work Programme for 2016/17.

### **3. Detail**

- 3.1 An outline work programme for the Committee for 2016/17 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 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.

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Annual Work Programme

**Standards Committee**

**Date: 4<sup>th</sup> July 2016**

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## 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 this report, as it does as it does not recommend a change in Council policy or service.

## **6. Consultees**

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1 – Draft Work Programme for 2016/17

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

**Standards Committee**  
**Work Programme for 2016 / 2017**

The following work programme is proposed:

<b>Meeting</b>	<b><u>Agenda Item</u></b>
4 <sup>th</sup> July 2016	<ul style="list-style-type: none"> <li>Standards Committee Annual report</li> <li>Work Programme.</li> <li>Annual governance Statement and consideration of the Annual Governance Statement process</li> </ul>
31 <sup>st</sup> October 2016	<ul style="list-style-type: none"> <li>Commence review of Codes and Protocols.</li> <li>Update to the Council's Ethical Audit Self-Assessment.</li> </ul>
16 <sup>th</sup> January 2017	<ul style="list-style-type: none"> <li>Review of Codes and Protocols in the context of consultation submissions from stakeholders.</li> <li>Question and Answer Session with Leader and Chief Executive on Ethical Governance Arrangements.</li> </ul>
27 <sup>th</sup> March 2017	<ul style="list-style-type: none"> <li>Summary of ethical training undertaken by parish Councillors.</li> </ul>
Regular Items:	<ul style="list-style-type: none"> <li>Ethical Update Report.</li> <li>Ethical Compliance Report. <ul style="list-style-type: none"> <li>Monitor complaints under the Council's Anti-Fraud and Corruption Strategy and Whistleblowing Policy.</li> <li>Receive updates on complaints against Councillors.</li> </ul> </li> <li>Updates on training for Officers, Councillors and Parish Councillors in respect of ethical framework issues.</li> <li>Updates on requests for dispensations.</li> </ul>
Other reports and Meetings as required:	<ul style="list-style-type: none"> <li>Assessment Panels to be convened as necessary to consider Code of Conduct complaints against members.</li> <li>Urgent ethical and probity issues as they arise.</li> <li>Responding to Government Guidance, Regulations and Consultations as issued.</li> </ul>

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## Ethical Framework Update

**Standards Committee**

**Date: 4<sup>th</sup> July 2016**

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Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### **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 Note the ethical framework update.
- 2.2 Review the draft Annual Governance Statement and identify any additional significant control issues that it would like to be considered for inclusion in the Statement, prior to sign off by the Leader and Chief Executive in September 2016.

### **3. Detail**

Dispensations

- 3.1 Section 33 of the Localism Act 2011 enables members who consider that they may have a disclosable pecuniary interest (DPI) to apply for a dispensation to allow them to speak and vote.
- 3.2 At its meeting on 12 December 2012, the Standards Committee authorised the Director of Law and Democratic Services 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 for a four year period. Dispensations are granted in conjunction with the Chair of the Standards Committee and are reported back to the next available meeting of the Standards Committee.
- 3.3 Several new members have joined the Council since the election in May 2016. A list of members who have applied for a dispensation is attached at Appendix 1. The dispensation sought, relates to any meeting at which any matter which has a bearing on the setting of the Council Tax is being, or is due to be, considered, and covers both of the restrictions in Section 31(4) of the Localism Act 2011 so as to allow them to participate in any discussion and participate in any vote without risk of challenge.

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Ethical Framework Update

**Standards Committee**

**Date: 4<sup>th</sup> July 2016**

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- 3.4 The Director of Law and Democratic Services granted these dispensations, in conjunction with the Chair of the Standards Committee, since failure to grant a dispensation would impede the transaction of the business because of the number of members having the same disclosable pecuniary interest. These dispensations have been granted until 14 October 2016, in line with the other dispensations already granted on this matter to existing members. The Committee is asked to note the list of members.
- 3.5 As the previous authorisation given to the Director of Law and Democratic Services ends on 14 October 2016, all 57 councillors will be asked to re-apply for this dispensation at that time. The list of members who apply will be reported to the next meeting of the Standards Committee on 31 October 2016, and authorisation will be sought at that time to grant these dispensations for the remaining period of their terms of office for each individual councillor.
- 3.6 At that meeting, the Standards Committee will also be asked to authorise the Director of Law and Democratic Services, in conjunction with the Chair of the Standards Committee, 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 considered, or is due to be considered, for a further four year period (until October 2020), with any dispensations granted during that period being reported back to this Committee.

## Membership of the Standards Committee – Parish Representatives

- 3.7 The WALC 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 and they were duly appointed to serve on the Committee for the Municipal Year 2016/17 by Council at its Annual Meeting on 20th May 2016.

## Draft Annual Governance Statement

- 3.8 The Annual Governance Statement (AGS) is the formal statement that recognises records and publishes an authority's governance arrangements. It is designed not only to give an opportunity for authorities to consider the robustness of the Council's governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.
- 3.9 The Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework for Delivering Good Governance in Local Government. The Annual Governance Statement explains how the Council has complied with the local code and also meets the requirements of the Accounts and Audit Regulations 2015 in relation to the publication of an annual governance statement.

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Ethical Framework Update

**Standards Committee**

**Date: 4<sup>th</sup> July 2016**

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- 3.10 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.
- 3.11 The draft Annual Governance Statement is set out in Appendix 2 to this report.
- 3.12 As part of the document the Council must identify any areas of significant governance or internal control issues that have occurred during 2015/16. Potential areas for inclusion were discussed at Corporate Management Team. This included a review of last year's statement and agreeing whether any issues raised for 2014/15 could be taken off and whether any new issues needed to be included.
- 3.13 It is recommended that the following issues could be removed from the statement:
- ❑ Supporting Vulnerable Children
  - ❑ Licensing: Taxi and Private Hire
  - ❑ Corporate Buildings: statutory compliance
  - ❑ Waterside depot improvement plan
  - ❑ Isambard School
- 3.14 Further progress is still required in the following areas before they can be taken off the statement:
- ❑ Information Governance and Security
  - ❑ Financial relationships with wholly owned subsidiaries
  - ❑ Capacity and capability in the context of large scale change
  - ❑ GCSE attainment
  - ❑ Provision of the IT service
- 3.15 There were no new areas recommended for inclusion in the statement for 2015/16.
- 3.16 The AGS has been reviewed by Audit committee and will be signed off by the Leader of the Council and the Chief Executive.

## Induction Training

- 3.17 Five councillors newly-elected in May 2016 had not previously been members of the Council (Cllrs Matthew Courtliff, Malcolm Davies, Jane Milner-Barry, Barbara Parry and Gary Sumner). One councillor was elected who had previously been a member of the Council (Cllr Mark Dempsey).

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Ethical Framework Update

**Standards Committee**

**Date: 4<sup>th</sup> July 2016**

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- 3.18 An induction session was held on 9 May 2016 to welcome them to the Council. They met the Chief Executive and other senior officers, received an introduction to Council finances, and had a session with the Monitoring Officer on the Ethical Framework (covering Ethics and Probity, Code of Conduct and Register of Interests). Individual sessions have been held with the Monitoring Officer on the Ethical Framework for two of the newly elected councillors who were unable to make the group session.
- 3.19 A second induction session was held on 12 May 2016 at which they received introductory presentations on Customer Services and the Member's Hotline, Localities, Corporate Governance and the Constitution, and had a useful hints and tip session with two existing councillors.
- 3.20 Further induction sessions relating to the regulatory Committees have also taken place (Licensing on 23 May 2016 and Planning on 24 May 2016). A review session for the new councillors will be held on 16 November 2016, which will give them the opportunity to discuss their induction to the Council, and what further support or training they require.

## Training – General

- 3.21 Attached at Appendix 3 are the details of the training and development events planned for the 2016-17 Municipal Year. A log of member attendance at these events will be kept and reported to this Committee at a future meeting.
- 3.22 A report was considered by the Member Development Advisory Group at its meeting on 15 March 2016 on member learning and development, and they considered the feedback that had been received on the member training sessions held since the feedback forms were introduced in December 2015. At a previous meeting, this Committee has indicated that it would also wish to receive this feedback, and the collated information can be found in Appendix 4. Feedback from events held in the current Municipal Year will be available following the next meeting of the Member Development Advisory Group on 4 October 2016.
- 3.23 The Advisory Group will also be working on enhancing the overview and scrutiny training on offer at the Council.
- 3.24 The Committee is reminded that, at present, a number of sessions are held by the Monitoring Officer each year around the parishes to train parish councillors on the ethical framework, and chairing skills. Borough Councillors who are also parish councillors attend. The only session held since the last report to this Committee was on 9 June 2016, at which 18 councillors from 8 different parish councils received ethics training.

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Ethical Framework Update

**Standards Committee**

**Date: 4<sup>th</sup> July 2016**

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## Register of Interests

- 3.25 At the May 2016 election, 19 councillors were either newly elected or re-elected to the Council. All 19 are expected to complete a new Register of Interests form for publishing to the Council's website, and for public viewing upon request.
- 3.26 At the time of writing this report, 2 of the 19 councillors had yet to complete a new form and return it to the Monitoring Officer. Reminders have been sent and responses are expected shortly.
- 3.27 The annual check to all councillors asking them to review the current copy of their form in the Register has also just been undertaken. Any responses received are logged, and the Register updated accordingly.

## **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 this report, as it does 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.

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Ethical Framework Update

**Standards Committee**

**Date: 4<sup>th</sup> July 2016**

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## **6. Consultees**

- 6.1 The Board Director Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1 – List of Councillors applying for a Dispensation under Section 33 of the Localism Act 2011.
- 8.2 Appendix 2 - draft Annual Governance Statement
- 8.3 Appendix 3 – Member Training Programme 2016-2017.
- 8.4 Appendix 4 – Member Training Sessions Evaluation Feedback.

## Appendix 1

### Applications for a Dispensation - Section 33 of the Localism Act 2011

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'.

With effect from the date stated below until 14 October 2016.

<b>Name of Member</b>	<b>Applied for Dispensation</b>	<b>Dispensation granted by Monitoring Officer</b>
Matthew Courtliff	9 May 2016	20 May 2016
Malcolm Davies	9 May 2016	20 May 2016
Mark Dempsey	12 May 2016	20 May 2016
Jane Milner-Barry	31 May 2016	2 June 2016
Barbara Parry	8 May 2016	20 May 2016
Gary Sumner	8 May 2016	20 May 2016

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# SWINDON BOROUGH COUNCIL

## ANNUAL GOVERNANCE STATEMENT: 2015/16

### 1. Scope of responsibility

Swindon Borough Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having a regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risk.

The Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE *Framework for Delivering Good Governance in Local Government*. This statement explains how the Council has complied with the code and also meets the requirements of the Accounts and Audit Regulations 2015 in relation to the publication of a statement on internal control.

### 2. The purpose of the governance framework

The governance framework comprises the systems and processes, and culture and values, by which the authority is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.

The system of internal control is a significant part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised, and to manage them efficiently, effectively and economically.

### 3. The Council's framework for ensuring compliance with the core principles of effective governance:

Good corporate governance requires local authorities to carry out their functions in a way that demonstrates accountability, transparency, effectiveness, integrity and inclusion. The Council's Local Code of Corporate Governance sets out the framework by which the Council will meet that commitment.

The Council's governance framework has been in place for the year ended 31<sup>st</sup> March 2016 and up to the date of approval of this Statement and the Statement of Accounts. The Code is based upon the following six principles:

- Focusing on the Council's purpose and on outcomes for the community and creating and implementing a vision for the local area.
- Members and officers working together to achieve a common purpose with clearly defined functions and roles.

- Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.
- Developing the capacity and capability of members and officers to be effective.
- Engaging with local people and other stakeholders to ensure robust public accountability.

The Local Code of Corporate Governance forms part of the Council's Constitution and the full version can be found at:

<http://www5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>

#### **4. Review of effectiveness**

Swindon Borough Council annually reviews the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by executive managers within the authority who have responsibility for the development and maintenance of the governance environment, the Head of Internal Audit's annual report, and also by comments made by the external auditors and other review agencies and inspectorates.

Board Directors and relevant Heads of Service have completed an assurance questionnaire reviewing the control environment within their service and the results of the questionnaire have been used to help inform our assessment of significant control issues for the Council.

The following process has been applied in maintaining and reviewing the effectiveness of the system of internal control. Both in-year and year-end review processes have taken place.

In year review mechanisms include:

- The Executive is responsible for considering overall financial and performance management and receives comprehensive reports on a regular basis. It also receives reports relating to risk management and monitors the corporate risk register, as well as being responsible for key decisions and for initiating corrective action in relation to risk and internal control issues.
- The terms of reference for the Audit Committee reflect CIPFA guidance best practice. The Committee is a full committee of the Council emphasising the commitment to ensuring that there are high standards of internal control within the Council. The Committee is responsible for reviewing the financial performance, risk management, has an oversight of Treasury Management and both, Internal and External Audit performance and their findings and recommendations.
- The Board Director: Resources role as Section 151 Officer has been assessed by Internal Audit against CIPFA's statement on the Role of the Chief Financial Officer in Local Government. It was found that the requirements of the CIPFA statement are being met.
- A self-assessment of the Head of Internal Audit's role has been made against CIPFA's statement on the Role of the Head of Internal Audit in Public Service organisations. It was found that the requirements of the CIPFA statement are being met.

- The Senior Information Risk Owner (SIRO) has assessed the Council's information governance and security arrangements and has stated that: A significant amount of work was undertaken in 2015/16 to develop Information Governance policies and supporting processes.

The Council's Information Governance Group has made progress establishing a greater level of corporate Information Governance maturity, not least of which was establishing and filling the new post of Information Governance Manager from June 2015. Fundamental policies, roles and practices are now starting to be embedded in the Authority.

In line with progress made, the Group's terms of reference have been reviewed in 2015/16, to ensure that there are robust links between the group and others charged with Information Governance responsibilities throughout the Council. The change will establish corporate networks to support the work of the group going forward.

A significant amount of work has been undertaken to further establish and embed SIRO, deputy SIRO and Information Asset Owner/Assistant roles in the Authority, which has been supported by comprehensive external training and internal support by the Information Governance Manager in 2015/16.

Work continues to ensure the Council achieves compliance with Cabinet Office Public Sector Network requirements. Following insourcing of the ICT department from Capita in 2015/16 and additional recruitment, a dedicated Council team are working on all outstanding compliance issues, which have been reduced significantly. Work is underway to align PSN code of compliance submission with the NHS Information Toolkit Version 13 submission, which will be due in 2016/17.

Facilities for secure email transfer have been rolled out across the Council, to ensure that we can securely communicate with organisations and individuals who are not part of the Public Sector Network. The Council's Information Asset Register has been developed and enhanced with comprehensive Information Asset Ownership training being delivered across the Council.

Following the 2014/15 review of the off-site document archive facility, substantial improvements have been made to its security and the organisation of records and additional dedicated resource has been allocated to staff the facility.

ICT Security policies (for example access control) have been comprehensively updated and the consultation process to approve these policies is underway, to roll-out across the Council in 2016/17. To continue to improve take-up of Information Security training and awareness in the Council, a procurement exercise to obtain policy management and monitoring software has been undertaken and an appropriate solution will be implemented in 2016/17.

Areas of improvement for 2016/17 include:

- As a priority, continue to resolve outstanding PSN compliance issues and achieve NHS Information Governance Toolkit Version 13 compliance.
- Monitor and enforce compliance with mandatory training on core topics, e.g. Information Security, Data Protection and Freedom of Information.
- Carry out an options appraisal on future records management arrangements, including the suitability of arrangements at the off-site storage facility.
- Continue to develop the Council's Information Risk Management process and risk registers.

- Continue to embed and develop SIRO, Information Asset Owner and Information Asset Assistant roles throughout the Council along with the establishment of a single corporate Information Asset and Risk Register.

Other in-year reviews included:

- Both Cabinet and the Audit Committee considered the External Auditor's Annual Audit letter in 2015/16. The Annual Audit letter gives an opinion on the Council's financial statements and provides a value for money conclusion. The External Auditor identified no material issues in their audit of the financial statements and issued an unqualified audit opinion on the Council's financial statements and on its arrangements for securing value for money in 2014/15.
- A Corporate Governance Working Group, consisting of both Members and officers including the Monitoring Officer, reviews the effectiveness of the Council's corporate governance arrangements by reference to the CIPFA/SOLACE corporate governance standards and other best practice. The Group has streamlined the Council's decision-making process ensuring that agreed decisions could be implemented promptly and some decision making has been devolved locally. It has also looked at devolving some powers to localities and how this can be achieved.
- The Council has also adopted a Local Code of Corporate Governance.
- Risk Management: the risk management strategy and the Corporate Risk Register is regularly updated in consultation with Corporate Board and presented to both Cabinet and Audit Committee.
- The Council's Performance Framework is led by the Head of performance, People and Engagement. The framework includes a Performance and Corporate Health dashboards that enables the Council to better target resources and demonstrates the organisation's desire to be as transparent as possible.

A year-end review of governance arrangements and the control environment has also been completed which included:

- Obtaining assurances from all Board Directors and Heads of Service that key elements of the control framework were in place during the year in their departments. They were also asked to identify areas where control weaknesses had resulted in a significant issue arising for the department.
- Reviewing the Head of Internal Audit's annual audit report presented to Audit Committee.
- Obtaining specific assurances from Heads of Service with regard to the governance arrangements in place for key partnerships.

The review has identified that a number of the areas included in last year's statement have progressed sufficiently for them not to be included as areas of focus in this year's statement:

- Supporting vulnerable children
- Licensing: Taxi and Private Hire
- Corporate buildings: statutory compliance
- Waterside depot improvement plan
- Isambard School

Further progress is still required in the following areas before they can be taken off the statement:

- Information Governance and Security

- GCSE attainment
- Capacity and capability in the context of large scale change
- Financial relationships with wholly owned subsidiaries
- Provision of the IT service

More detail on these areas is provided below.

The review has found that the Council's governance arrangements continue to be regarded as fit for purpose in accordance with the governance framework.

## 5. Governance: Key Areas of Focus

The review process has highlighted a number of significant areas for enhanced focus regarding the governance and internal control environment and these are described briefly below. For each one, action plans have been determined by a responsible officer and are under implementation or are in the process of being prepared and a summary of the key elements of these are included below:

- **Information governance and security** – A significant amount of work was undertaken in 2015/16 to develop information governance policies and processes. The appointment of an Information Governance Manager has helped to establish a greater level of information governance maturity. Fundamental policies, roles and practices are now starting to be embedded in the Council. SIRO and Information Asset Owner roles and appropriate training have been allocated. Training has been delivered to relevant staff and is due to be completed by October 2016. Refresher training will be carried out where appropriate.

However, further work is needed to ensure that the Council achieves compliance with Cabinet Office Public Sector Network requirements. Following insourcing of the ICT department from Capita in February 2016 and additional recruitment, a dedicated Council team are working on all outstanding compliance issues, which have been reduced significantly. Work is underway to align PSN code of compliance submission with the NHS Information Toolkit Version 13 submission, which will be due in 2016/17.

- **Financial relationships with wholly owned subsidiaries** – Swindon Borough Council are the sole shareholder of Thamesdown Transport Ltd (TT) and Public Power Solutions Ltd. (PPS). There are close financial links between the Council and both companies, which mean there is a degree of inter-dependence.

The Council funds some subsidised routes and pays reimbursements for concessionary fare usage and, in recent years, bought-out the company's local government pension scheme deficit and the Company's interest in its operational depot building in return for increased annual payments. The cash flow and tight trading position of the company has led to part of the expected returns from these arrangements to be foregone by the Council although full payment was received in 2015-16.

The Council has lent £8.7m to PPS for the capital purchase of a plant to convert waste into fuel plus a further £2.95m in cash flowing and capital repayment loans. The company's future profit levels are critical to ensuring repayment of these loans at differing periods with full repayment due by November 2022. The current trading position of the company suggests that these loans are unlikely to be repaid based on current cash flows and, as a result, the Council is currently renegotiating commercial terms for its waste disposal operations.

As well as managing the Council's waste disposal arrangements, the company also trades in power and solar projects. These projects can be high-risk in terms of deliverability success but offer relatively high returns when completed.

For the reasons set out above, it is important that the Council retains a particularly close oversight of the financial performance of its subsidiaries at this time, as part of its overall financial risk management arrangements.

- **Capacity and Capability in the context of large scale change** – During 2013-14, Cabinet approved a strategy to deliberately deliver annual budget savings early to create some in-year funding capacity to fund future years' transformation. This strategy has continued since that date and has led to transformational funding being available on the Council's balance sheet to fund new posts.

During 2014-15, the organisation ran a targeted recruitment campaign to bring new transformation skills and capacity into the organisation and successfully recruited four new senior change leaders and additional support posts to deliver specific change programme work. Further recruitment took place during 2015-16 and these new skills and additional capacity helped deliver the 2015-16 Budget on target and enable complex change programmes that contributed towards the 2016-17 Budget. The extra capacity and skills now in place within the organisation are now being re-distributed to work on the 2016-17 change programmes to deliver the 2017-18 budget.

- **GCSE Attainment** - significant action has been undertaken to establish a robust governance structure that enables and challenges performance concerning school improvement in Swindon. However, raising attainment across the Borough will not be a quick fix, and time will be needed for the Education Strategy Board to have an impact on a rise in standards.

A continued challenge for the Council will also be ensuring the on-going involvement of Academies in contributing to the improvement agenda, especially the secondary schools that have a large impact on overall attainment. There are twelve secondary schools in Swindon (including the University Technology College), only one of which is maintained (Isambard). Although the Local Authority has responsibility for School Improvement, there is a lack of direct power that the Council can use to influence the performance of Academies and ultimately, attainment.

- **IT Service** - The ICT Service was successfully transferred back to the Council from Capita in February 2016. Recruitment has been carried out to ensure that key skills and capacity are present in team to achieve operational competence and develop the service further in the future. Significant work was carried out in conjunction with Capita to migrate the core infrastructure to a modern, virtual environment. has partially removed the reliance on ageing servers allowing the Council to plan for a more transformational use of IT in the near future. Work continues with the new in-house department to complete the removal of end of life technology and there are clear plans in place for future modernisation of the service and infrastructure. This work includes remedial work that is required to ensure Council compliance with PSN and PCI standards; it also includes bringing our Major IT systems back in contract in a compliant way with EU Procurement rules.

## **6. Certification**

To the best of our knowledge, the governance arrangements, as defined above, have been effectively operating during the year although we recognise the areas for additional focus identified in section 5. We are satisfied that these enhancements will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

Signed:

Signed:

Councillor David Renard  
Leader of the Council

Gavin Jones  
Chief Executive

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<b>Training and Development Programme for Councillors 2016/2017</b>		
<b>Dates</b>	<b>Subject</b>	<b>Facilitator</b>
9 May 2016 2.00pm Function Room	Induction (1) for Newly Elected Councillors	Corporate Management Team Director of Law and Democratic Services The Mayor and Lead Members
12 May 2016 5.00pm Function Room	Induction (2) for Newly Elected Councillors	Karen McMahon, Patrick Weir, Stephen Taylor, Cllr McCracken and Cllr Howard
23 May 2016 6.00pm Ctte Room 6	Induction for New Members of the Licensing Committee – followed by a session on chairing Licensing Panels	Kathryn Ashton, Licensing Officer Phil Wirth, Legal Department
24 May 2016 6.00pm Ctte Room 6	Induction for New Members of the Planning Committee and any councillor with an interest in planning process	Richard Bell, Planning Officer Kehinde Awojobi, Legal Department
25 May 2016 6.00pm Ctte Room 6	Safeguarding Children	Karen Reeve, Head of Children, Families and Community Health
15 June 2016 10.30am Waterside Park	Visit to Waterside Recycling Centre	Lance Greenhalgh, Head of Depot Operations
27 June 2016 6.00pm Ctte Room 6	Safeguarding Adults	Doug Bale, Adult Safeguarding Manager
30 June 2016 6.00pm Ctte Room 6	Education Transport Appeals Sub-Committee	Rebecca Mathis, School Admissions Manager Victoria Nicholls, Passenger Transport
6 September 2016 6.00pm Ctte Room 6	Chairing Skills	Stephen Taylor, Director of Law and Democratic Services

16 November 2016 6.00pm Ctte Room 2	New Members Induction – six month review	Stephen Taylor, Director of Law and Democratic Services
Training session provided at each meeting	Corporate Parenting Advisory Board	Karen Reeve, Head of Children, Families and Community Health
Ad-hoc – organised at request of member	Customer Services and the Members Hotline process	Lisa Pittard, Operations Manager

### External providers

Information on training and events provided by external organisations such as the LGA and LGiU are circulated on a weekly basis in the Member's Bulletin. Members are then invited to apply, and attendance approved through a Cabinet Member Briefing Note.

### Learning Zone Modules

- Data Protection.
- Freedom of Information and Information Security.
- Officer training sessions also suitable for members.

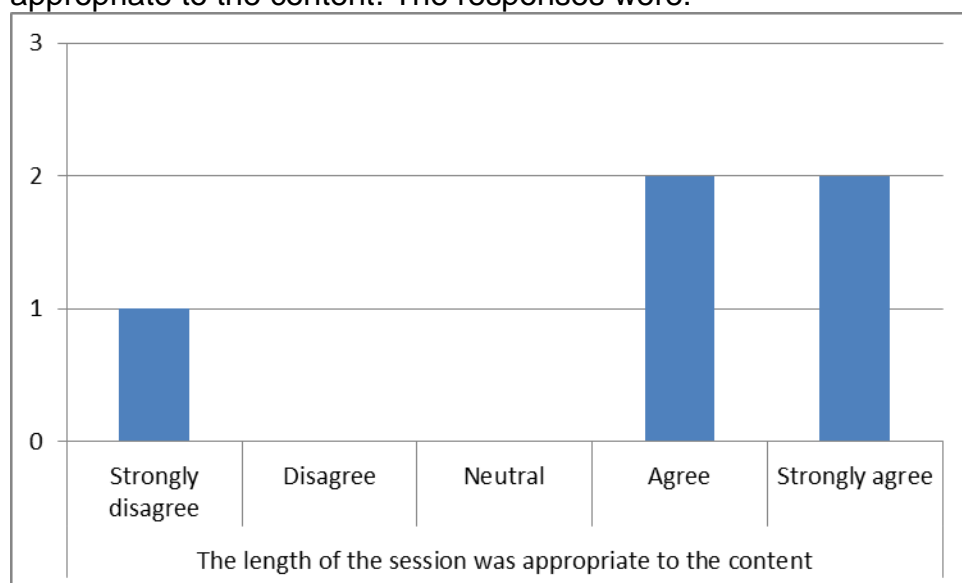
### Member Training Session Evaluation Feedback

The training session evaluation forms have been introduced following the decision to adopt them at the last Member Development Advisory Group meeting. The responses from the three sessions held at which they have been handed out have been collated and are set out below for consideration.

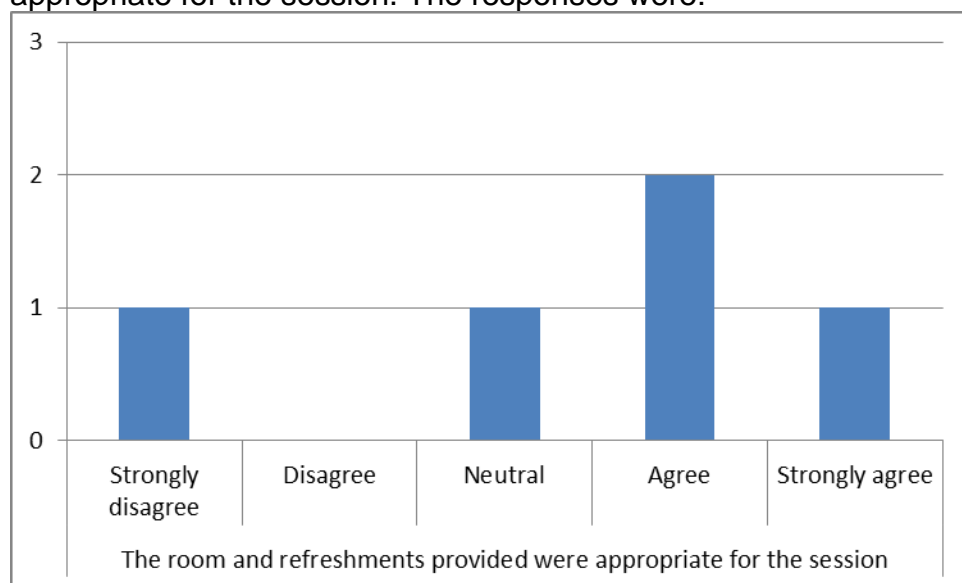
#### ***Understanding the Capital Budget – 19 January 2016***

This session was attended by 13 councillors and 5 feedback forms were received.

The councillors were asked their thoughts on the arrangements for the training session. First of all they were asked if they felt the length of the session was appropriate to the content. The responses were:

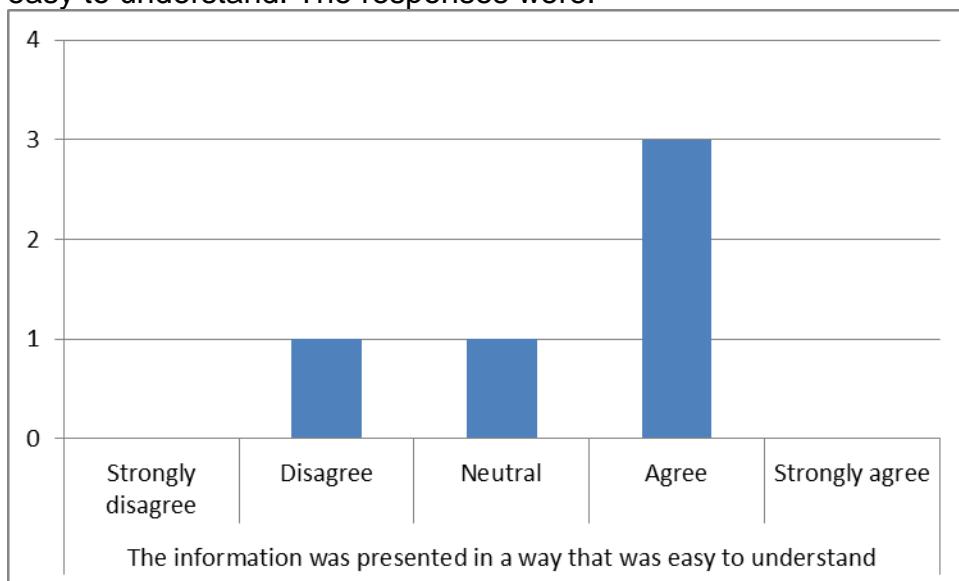


They were then asked if they felt the room and refreshments provided were appropriate for the session. The responses were:

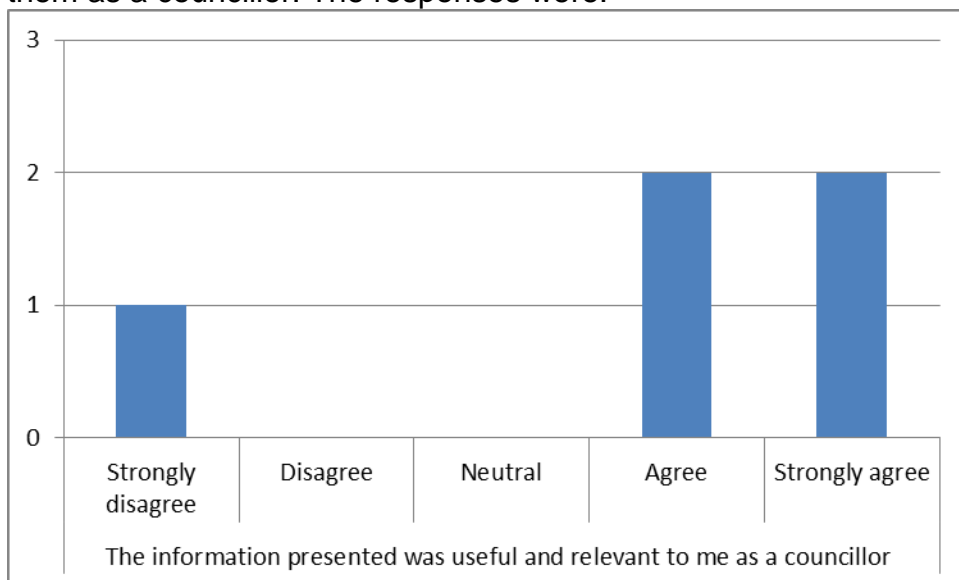


The councillors were then asked their thoughts on the content of the training session itself. They were first asked if the information had been presented in a way that was

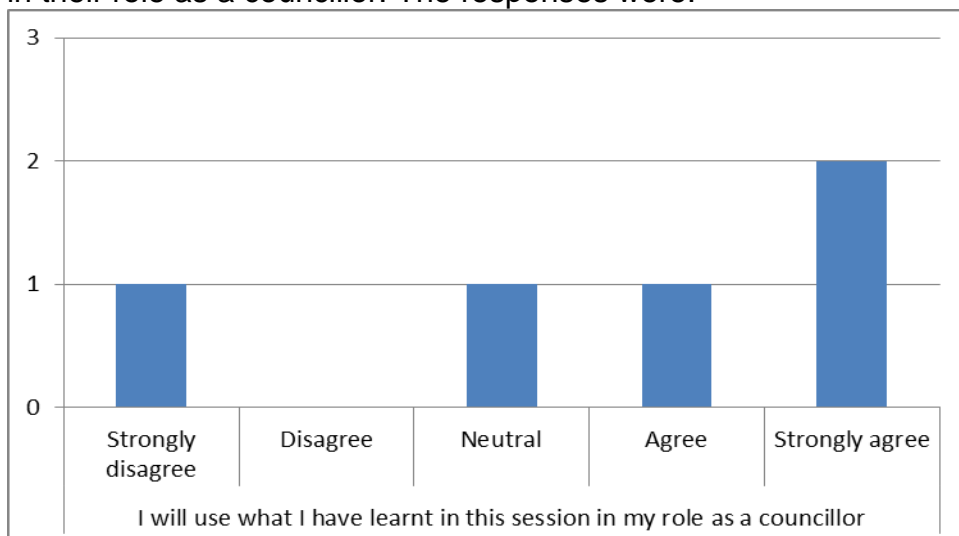
easy to understand. The responses were:



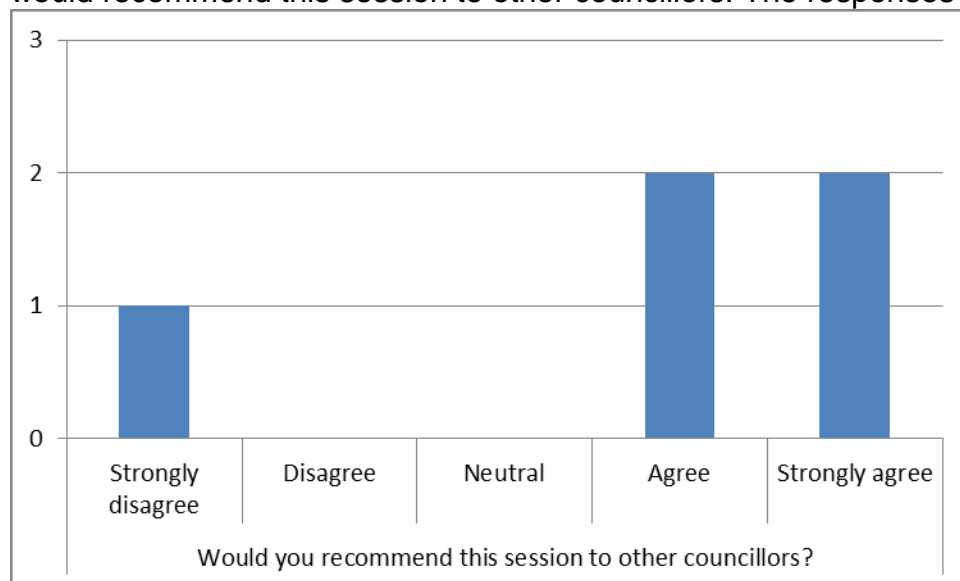
They were then asked if the information presented was useful and will be relevant to them as a councillor. The responses were:



The councillors were then asked if they will use what they have learnt in this session in their role as a councillor. The responses were:



Finally, the councillors were asked to rate the session overall in terms of if they would recommend this session to other councillors. The responses were:



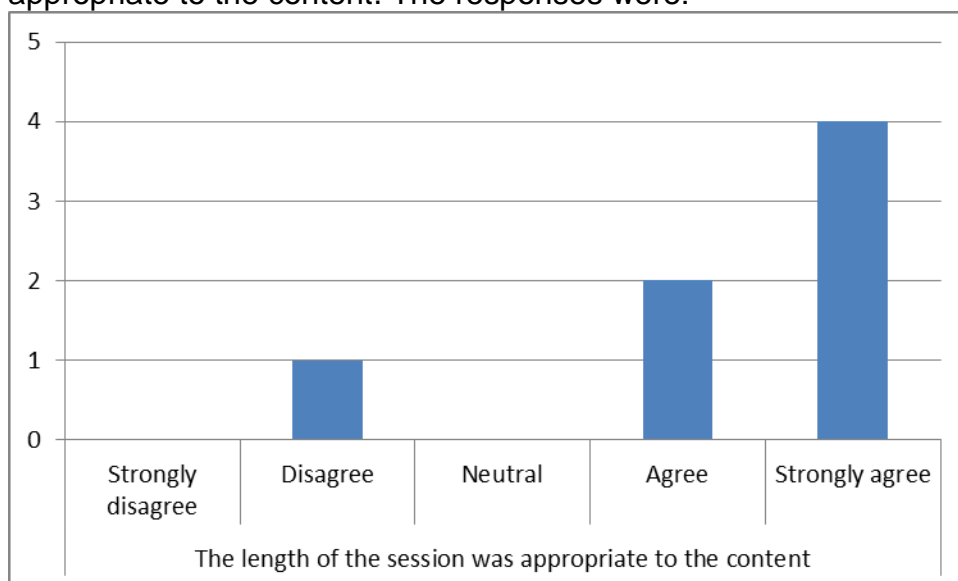
The councillors were also offered the opportunity to provide some additional comments on any thoughts they had on how the training offer could be improved. Their responses were as follows:

- It needs a pre-development session. It is above the heads of some. Could this be arranged?
- Put it in the context of the actual budget. Can we have a training session on the capital and revenue budgets? Preferably a daytime session.
- Not enough tea bags and water cups due to people not saying they were attending.
- It would help to look at the 2015/16 Capital Budget alongside the 2015/16 Revenue Budget.

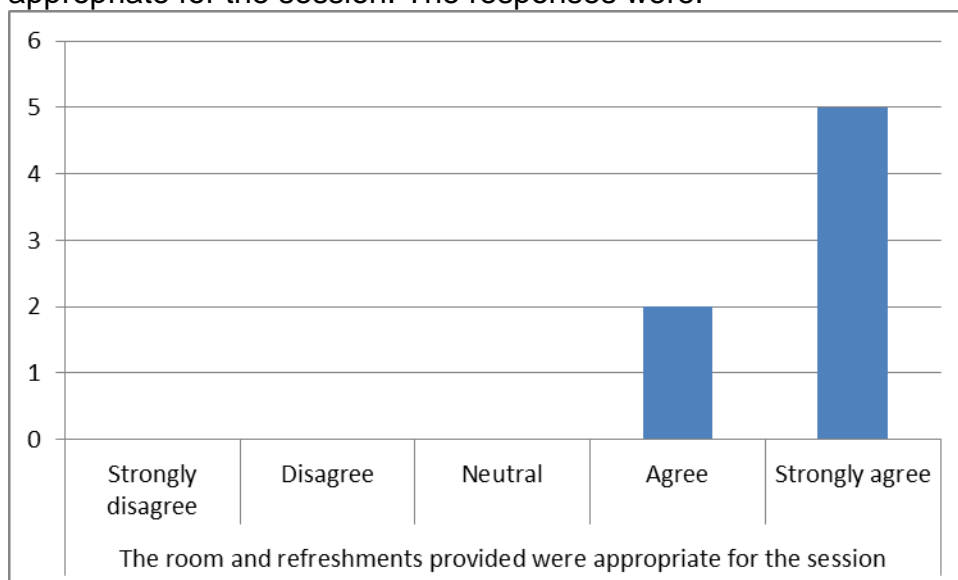
### ***Chairing Skills – 4 February 2016***

This session was attended by 2 Borough Councillors and 5 Parish Councillors and feedback forms were received from all of them. Unfortunately, one respondent only completed one side of the two-sided feedback form which explains the discrepancy in the figures below.

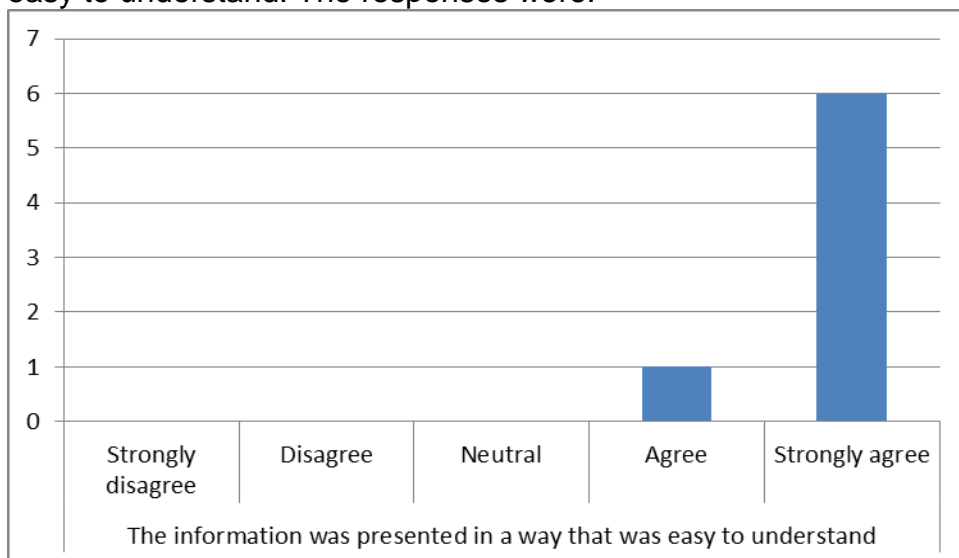
The councillors were asked their thoughts on the arrangements for the training session. First of all they were asked if they felt the length of the session was appropriate to the content. The responses were:



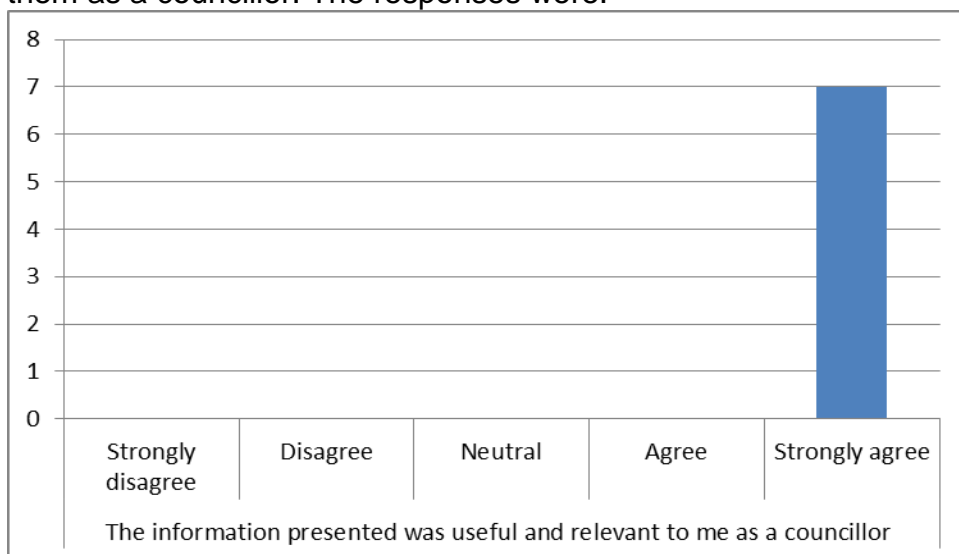
They were then asked if they felt the room and refreshments provided were appropriate for the session. The responses were:



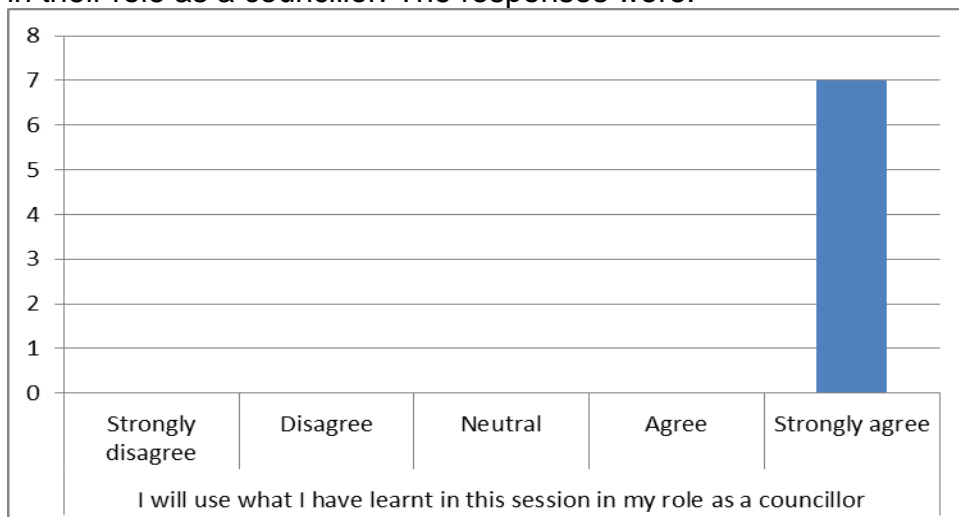
The councillors were then asked their thoughts on the content of the training session itself. They were first asked if the information had been presented in a way that was easy to understand. The responses were:



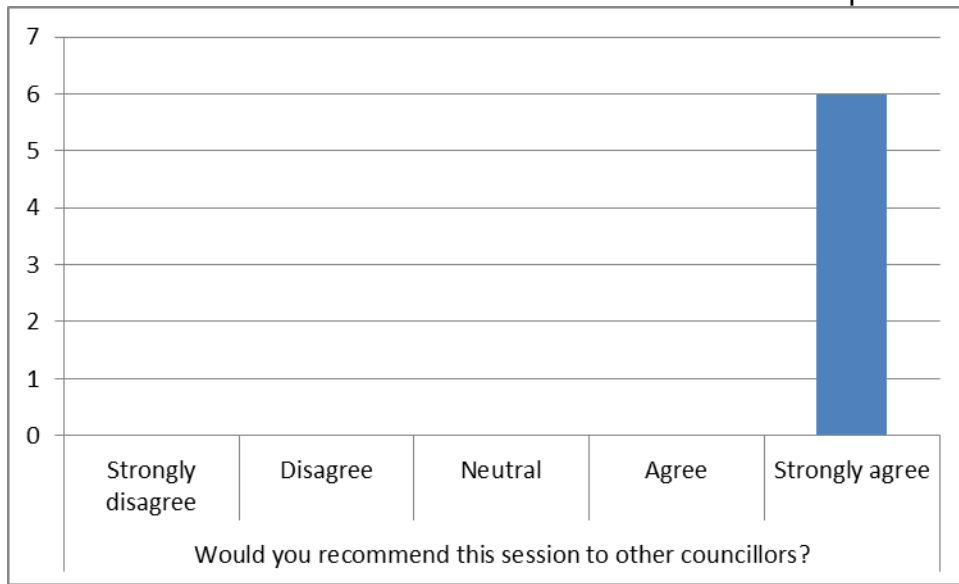
They were then asked if the information presented was useful and will be relevant to them as a councillor. The responses were:



The councillors were then asked if they will use what they have learnt in this session in their role as a councillor. The responses were:



Finally, the councillors were asked to rate the session overall in terms of if they would recommend this session to other councillors. The responses were:



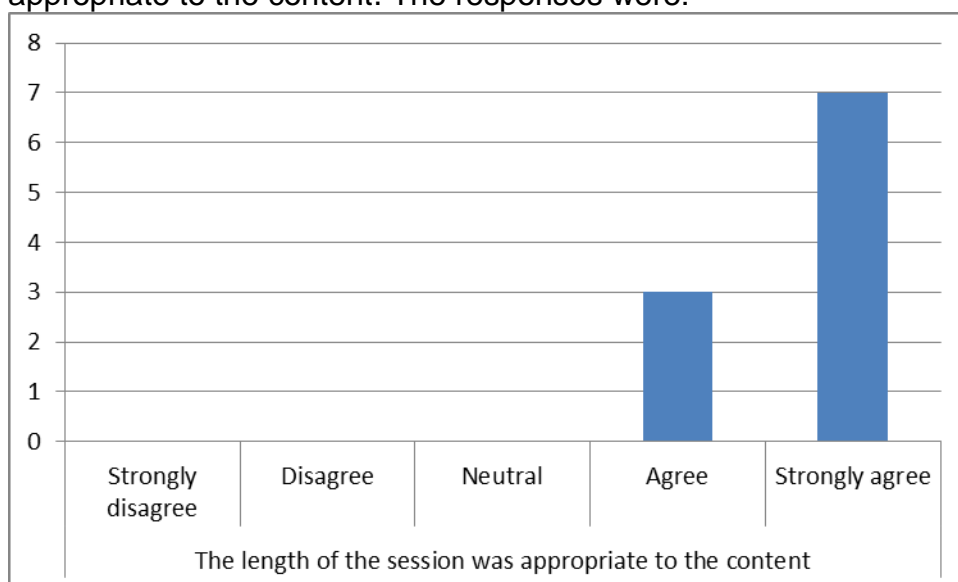
The councillors were also offered the opportunity to provide some additional comments on any thoughts they had on how the training offer could be improved. The one response received was as follows:

- Really good. I'm going to take what I've learned and apply it at next meeting. Would come back to this session again.

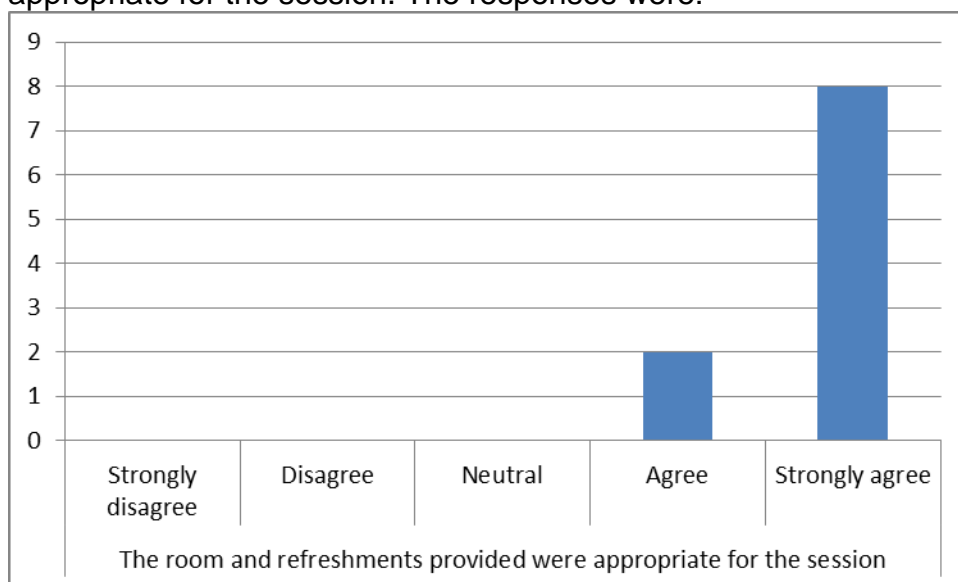
### ***Child Protection and Children Looked After – 8 February 2016***

This session was attended by 14 councillors and feedback forms were received from 10 of them. Unfortunately, one respondent only completed one side of the two-sided feedback form which explains the discrepancy in the figures below.

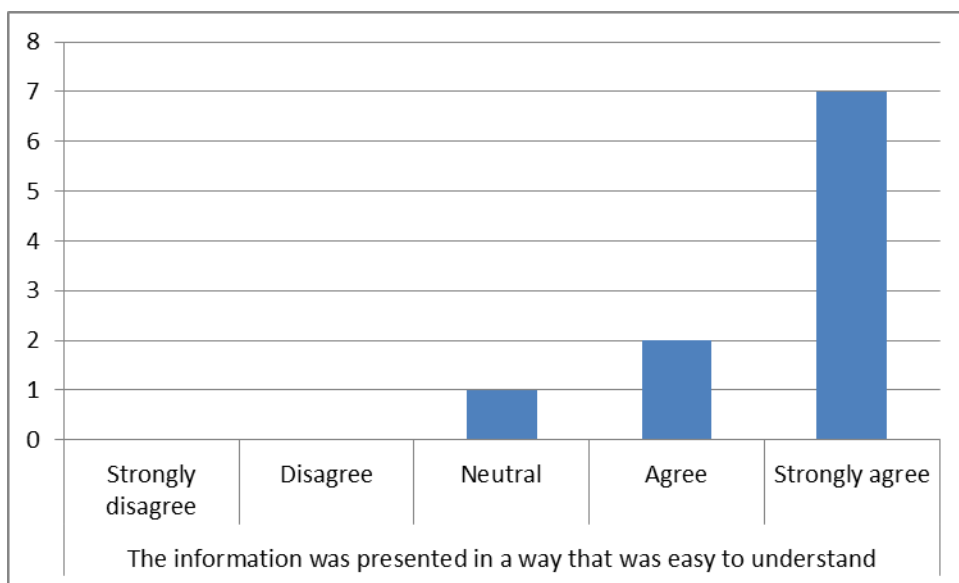
The councillors were asked their thoughts on the arrangements for the training session. First of all they were asked if they felt the length of the session was appropriate to the content. The responses were:



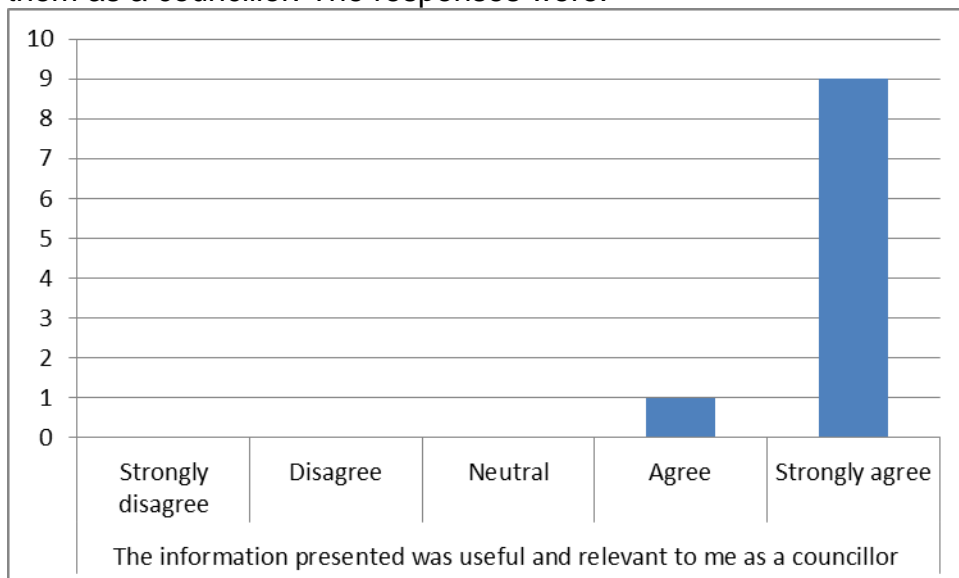
They were then asked if they felt the room and refreshments provided were appropriate for the session. The responses were:



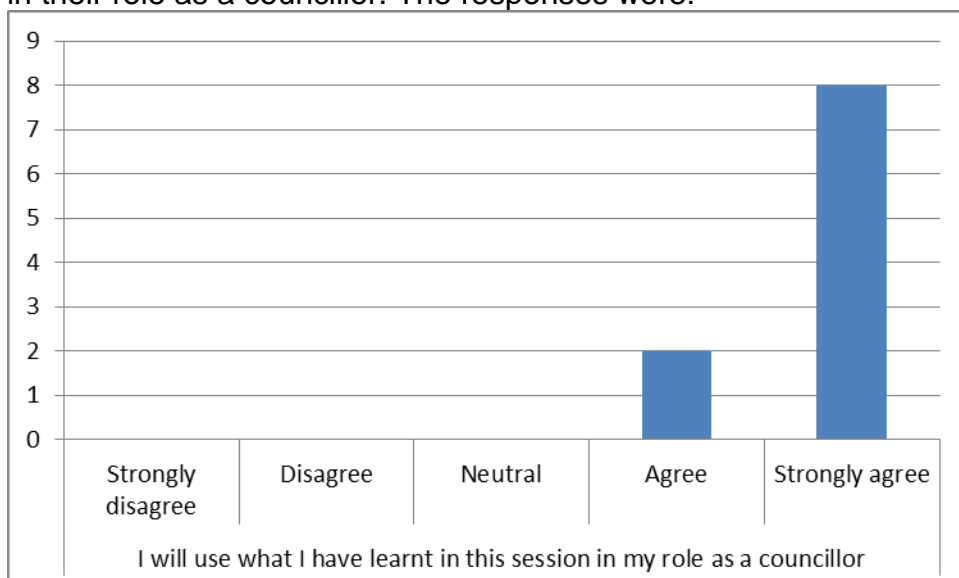
The councillors were then asked their thoughts on the content of the training session itself. They were first asked if the information had been presented in a way that was easy to understand. The responses were:



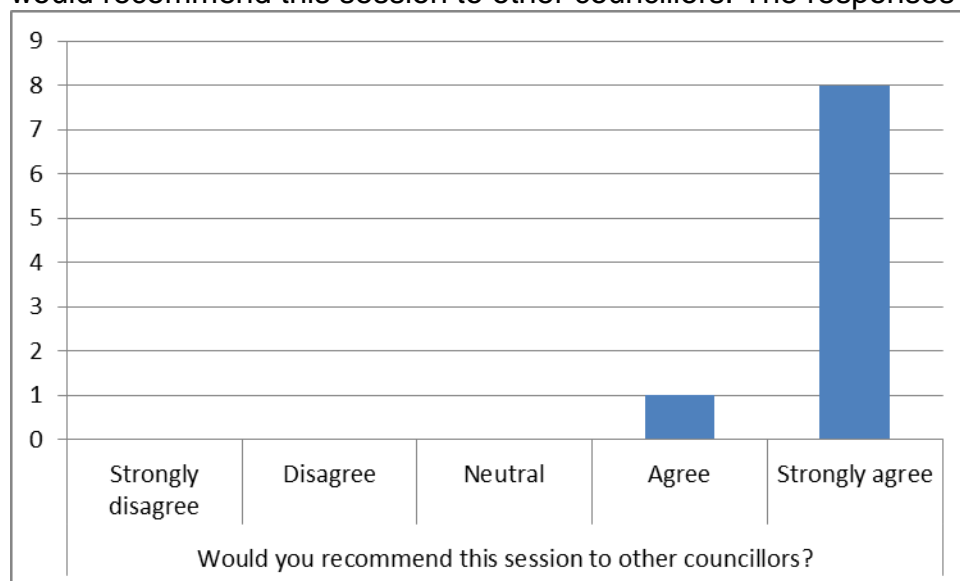
They were then asked if the information presented was useful and will be relevant to them as a councillor. The responses were:



The councillors were then asked if they will use what they have learnt in this session in their role as a councillor. The responses were:



Finally, the councillors were asked to rate the session overall in terms of if they would recommend this session to other councillors. The responses were:



The councillors were also offered the opportunity to provide some additional comments on any thoughts they had on how the training offer could be improved. Their responses were as follows:

- Never said we are corporate parents though.
- Needed better balance between section lengths.
- Better pacing of individual sessions. All presenters were excellent!
- Letting us know if it's cancelled as I turned up last time and no-one was there.
- Powerpoint was a bit small.
- Timing for each speaker - so that all had equal time. Last speaker was a little rushed.
- First speaker went over internet training and previous knowledge.
- Quiz - good way of engaging me!
- Less TLAs; a little more continuity in the presentation, we had a lot to absorb and having to rethink each TLA slowed it down.
- I was only elected in May so it has been a steep learning curve and needs building on / reinforcement. It would have been useful to have had information as part of the new councillor induction, including an overview before the first meeting of the Children's Overview and Scrutiny Committee. I would also like some training sessions to be run during the day rather than have them all in the evening.
- Last two presentations were hurried due to the first ones taking so much time. Equal distribution of time for each presentation would have been better. Thought it was a good idea to do quiz first, to see what we knew and didn't know, dispelled some pre-conceptions.
- As a councillor it would be useful to have Ward area demographics but not necessary to go into too much detail. Even if it is just to show that it happens everywhere.

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

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