

Swindon Borough Council

Standards Committee

Monday, 16 January 2017

Committee Room 6, Civic Offices

At 5.00 p.m.

Councillors

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

Fay Howard
Teresa Page
Joe Tray
(Labour)

David Wood (Chair)
(Liberal Democrat)

Independent Persons for Information:

Paul Morris
Keith Strickland

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

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

Co-opted Representatives

Mr Trevor Davies
Mr David Dawson

Mike Compton
Richard Hailstone
(Parish Representatives)

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 - 8)

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".

Item No.	Paragraph No.
8	1 and 2

6. Question and Answer Session - Leader of the Council and Chief Executive
DLDS (Pages 9 - 18)

7. Ethical Framework Update DLDS (Pages 19 - 28)

8. Ethical Compliance Report DLDS (Pages 29 - 32)

5 January 2017 (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://www5.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, 7 NOVEMBER 2016

PRESENT:- Councillors David Wood (Chair), Fay Howard, Colin Lovell, Kevin Parry, Gary Sumner, Vera Tomlinson, Joe Tray and Steve Weisinger (Vice-Chair), Mr Keith Strickland, Mr Paul Morris, Mr Richard Hailstone and Mick Compton.

Apologies for absence were received from Councillor Teresa Page, Mr Trevor Davies and Mr David Dawson.

10. 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.

11. Minutes

Resolved – That the minutes of the meeting held on 4th July 2016 be confirmed and signed as a correct record.

12. Public Question Time

There were no public questions.

13. 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>
9	1 and 2	9

14. Independent Remuneration Panel on Councillors' Allowances: Membership

The Monitoring Officer submitted a report providing an update on the current membership of the Council's Independent Remuneration Panel on Councillors' Allowances and seeking the Standards Committee's approval to the appointment of a Lay Representative to serve on the Panel following the resignation of Mr David Wilkie.

Resolved – (1) That the membership of the Independent Remuneration Panel on Councillors' Allowances be noted and that the appointment of Mr David Body to the

currently vacant Lay Representative position be approved.

(2) That the Monitoring Officer's advice, responding to a question put by Councillor Vera Tomlinson, that it was a matter for this Independent Panel to determine who should be invited, and/or allowed, to attend its meetings, be noted. That notices of future meetings of the Panel be appropriately endorsed explaining this position and that, where they wish to attend meetings of bodies they are not appointed to, members be reminded of the convention of contacting the Chair beforehand with such request to attend.

15. 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.
- Codes and Protocols.
- The Council's Ethical Audit Self-Assessment.
- Changes to Chief Executive Reporting Structure.
- Training – Induction Training and General Training issues.

So far as the update in relation to the changes to the Chief Executive's reporting structure was concerned, members commented on the proposal that attendance of the s151 Officer and the Monitoring Officer at Corporate Management Team meetings be by invitation only on an ad hoc basis. The Monitoring Officer reported that the Chief Executive had confirmed his firm commitment to ensuring these statutory officers, together with the statutory Director of Public Health, continued to have direct access to him as and when required. It was noted that the existing Corporate Management Team structure would remain in situ until an appointment was made to the post of Corporate Director Resources and Transformation, and that the Chief Executive had confirmed that the Monitoring Officer would remain a member of the Corporate Management Team at least until then and that the situation would be reviewed when the Corporate Director Resources and Transformation took up post.

Standards Committee members noted that Special Committee had asked that the Chief Executive report back to the Special Committee on the effectiveness of the structure in facilitating representation with regard to s151 and Monitoring Officer functions, and asked to be kept informed.

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

(2) That, with regard to the granting of dispensations to Councillors to speak and vote on matters which they would otherwise be excluded due to a declarable pecuniary interest:

- (i) the Director of Law and Democratic Services be authorised to invite existing members to apply for dispensations on the subject matter of Council Tax, and to grant these and any additional applications received until 6 November 2020.
- (ii) it be agreed that any dispensations granted under these conditions be for the maximum period of four years, ending on 6 November 2020.
- (iii) it be noted that the Director of Law and Democratic Services, in consultation with the Chair of the Standards Committee, will continue to be authorised to grant applications for urgent dispensations on any subject matter in between meetings of this Committee. Any such dispensations will be reported to the next scheduled meeting of this Committee.

(iv) the Director of Law and Democratic Services advise the Town and Parish Clerks of the need to arrange similar applications and determination of dispensations in respect of Town and Parish Councillors setting Parish budgets and precepts.

(3) That, in order to facilitate the Standards Committee's annual review of the Council's Codes and Protocols, and in line with the procedure utilised for previous reviews, the Monitoring Officer consult on each of the Codes and Protocols with relevant officers, the political groups on the Council and with Parish Councils, and recommend any valid changes to the Standards Committee at its meeting in January 2017.

(4) That, further to (3) above, members of the Committee be invited to submit to the Monitoring Officer the details of any particular issues that they would wish to be considered as part of the annual review of the codes and protocols.

(5) That the latest Ethical Audit Desktop Analysis, attached at Appendix 2 to the report, be accepted.

16. Ethical Compliance Report

The Committee considered a report of the Director of Law and Democratic Services regarding the outcome of various ethical framework compliance matters, including the details and outcomes of Whistleblowing cases and Code of Conduct Complaints received since the last Committee meeting.

Resolved – That the Ethical Framework Compliance report be noted.

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**Question and Answer Session –
Leader of the Council and Chief Executive**

Standards Committee

Date: 16th January 2017

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

1. Purpose and Reasons

- 1.1 To afford the Standards Committee an opportunity to discuss with the Leader of the Council and the Chief Executive matters relating to the Council's ethical governance framework and issues of probity, particularly the Authority's approach to ethical governance and its key priorities in ensuring that high ethical standards continue to be promoted and maintained within the Council.

2. Recommendations

The Committee is recommended to:

- 2.1 Welcome this opportunity for discussion with the Leader and the Chief Executive, and to recommend any actions that the Committee feels would support continued improvement in the Council's approach to ethical governance.

3. Detail

- 3.1 The Committee includes in its annual work programme a regular opportunity to discuss with the Leader and Chief Executive, the ethical governance of the Council.
- 3.2 As is customary and as background to this discussion, a copy of the latest ethical desktop audit, completed in October 2016, is attached at Appendix '1'. For the information of the Committee, attached at Appendix '2' are the minutes of the last meeting with the Leader and the, then, Interim Chief Executive.

4. Alternative Options

- 4.1 No alternative options are presented.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no specific financial implications arising from this report.

Legal and Human Rights Implications

- 5.2 There are no specific legal or Human Rights implications arising from this report.

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Question and Answer Session – Leader of the Council and Chief Executive

Standards Committee

Date: 16th January 2017

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 Interim Corporate Director Resources 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 – Ethical Desktop Audit – October 2016
- 8.2 Appendix 2 - Minutes of the last meeting with the Leader and the then interim Chief Executive.

Matrix of Key Information held by Swindon Borough Council
October 2016

	Key Information	Held	Current position, including action taken since the last review in October 2015.
1	Constitutions/ Current Decision Making Framework	Yes	<p>The Constitution is reviewed and updated at least annually and was last adopted in May 2016.</p> <p>The Constitution's operation is monitored by the Council's Monitoring Officer and also by the Corporate Governance Review Working Group whose recommendations feed into the review process.</p> <p>The Council's Audit Committee was first established in May 2006 and continues to operate effectively. It receives assurances from the Standards Committee in relation to matters of internal control such as the operation of the Whistleblowing Policy.</p> <p>The Annual Audit letter summarises the key findings arising from the work carried out by the External Auditor. The Annual Audit Letter for 2015/16 confirmed unqualified opinions for the year ended 31 March 2015 in relation to the Council's financial statements and its VFM conclusion in relation to the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources.</p>
2	Procedural Standing Orders	Yes	Updated in Constitution – May 2016
3	Contracts Standing Orders	Yes	Updated in Constitution – May 2016
4	Employees' Code Of Conduct	Yes	<p>Following consultation with Council employees and unions, the Employee Code of Conduct was initially approved by the Standards Committee in July 2006. The Code of Conduct is issued to all Council employees, who are required to sign to confirm that they have read and will act in accordance with the Code.</p> <p>The Code of Conduct is intended to:</p> <ul style="list-style-type: none"> • help officers to understand how they can fulfil their ethical obligations in performing their role • set clear expectations for their conduct as a public employee in the Council and • provide guidance to help them deal

			<p>properly with ethical issues they might encounter in their work.</p> <p>The Code is submitted to Council annually for approval. It was approved at the Annual Council meeting in May 2016.</p>
5	Members' Code Of Conduct	Yes	<p>The new Members Code of Conduct was adopted in June 2012, taking effect on 1 July 2012, under the Localism Act 2011. The Code is reviewed annually. It was last reviewed in January 2016 and was subsequently adopted at the Annual Council meeting in May 2016.</p> <p>Procedures for determining complaints against councillors were the subject of review during the 2013/14 and 2014/15 Municipal Years. A number of changes to the "Arrangements for dealing with member Code of Conduct complaints" were agreed by Standards Committee at its meeting on 21 July 2014 and these were incorporated into the process.</p> <p>The Monitoring Officer has provided guidance and training on the Members Code of Conduct to Officers and Members, together with Parish Clerks and Parish Councillors. Refresher training is also regularly provided.</p>
6	Confidential Reporting Procedure	Yes	<p>The Whistleblowing Policy was first approved in November 2001. It is reviewed on a regular basis to ensure that it complies with legislation and best practice.</p> <p>The approved Whistleblowing Policy is publicised through staff communications, including the Core Brief, Manager Bulletin and other publications as appropriate and also via Team Briefings.</p> <p>Complaints received are investigated and the outcomes reported to the Standards Committee.</p> <p>In September 2005, the Committee approved the Council's subscription to the Public Concern at Work Helpline to provide a formal method of confidential reporting for staff who do not feel able to raise issues directly with the Council. The Council has maintained this provision, but also makes available the following support via a contract with Care First, the Council's employee assistance programme:</p> <ul style="list-style-type: none"> • An advice and information service

			<ul style="list-style-type: none"> • A counselling service • On-line information • A manager support service
7	Terms Of Reference of the Standards Committee	Yes	The current Standards Committee was established in July 2012, under the terms of the Localism Act 2011, giving Councils the option of whether to retain a Standards Committee or nominate another Committee to oversee the determination of Code of Conduct complaints. The Borough Council's Standards Committee retained much of its extended terms of reference, beyond the determination of complaints, in particular in relation to its monitoring of Anti-Fraud and Corruption Strategy and Whistleblowing Complaints.
8	Scheme Of Delegation	Yes	The Constitution was updated in the early part of the current Municipal Year and was subsequently approved as part of the 2016/2017 Constitution at the meeting of Annual Council meeting in May 2016.
9	Members' Register Of Interests	Yes	<p>Held on file and on the Council's website. Regular reminders are issued.</p> <p>In accordance with the requirements of the Localism Act the Council also now publishes Register of Interest forms for all Parish Councillors in the Borough Area.</p>
10	Recorded Declaration Of Interests	Yes	Interests are recorded at meetings and are recorded on the website.
11	Members' Induction Process	Yes	<p>All new Councillors are provided with a comprehensive induction programme in relation to the ethical framework and the decision-making process, as well as service specific issues and attendance at the induction programme is monitored to ensure all new members are properly inducted.</p> <p>New Councillors elected in by-elections attend Induction training following their election.</p>
12	Officers' Induction Process	Yes	<p>A Corporate induction process is in place and departmental induction processes are also in place.</p> <p>Reference is included in the Officers' Induction Process to the ethical framework. During staff induction it is checked that staff have received a copy of the code of conduct (which they usually have with their contracts) and they are</p>

			<p>reminded that it is their responsibility to read it and speak with their manager if they have any concerns. Staff are also advised of the disclosure of gifts etc information, and are also advised to contact their managers with any concerns regarding this, or any special arrangements made (for example, working in a care home at Christmas where people may buy them lots of gifts/goodies).</p> <p>It is the responsibility of managers to enforce the code of conduct and ethics and probity issues with staff.</p> <p>The Monitoring Officer liaises with the Head of People, Performance and Engagement on evaluating the implementation across departments of training on the ethical framework within the Officers' Induction Programme and on the monitoring of the officer induction process.</p>
13	Members' Continuing Development and Training	Yes	<p>A range of development / training opportunities are offered and a record of attendance kept.</p> <p>Training for Councillors is facilitated by Committee and Member Services, in consultation with a cross-party Member Development Advisory Group. This agrees the programme for training at the beginning of each year and monitors the success of each course and the uptake from Councillors.</p>
14	Officers' Continuing Development	Yes	<p>The Council's behaviour framework sets out the values and behaviours expected from officers and members. This currently forms part of the annual appraisal in place across the Council, and identifies development needs and provides structured options to accessing appropriate training.</p>
15	Officers' Training	Yes	<p>The Council has launched an online Learning & Development resource (E-Zone), which provides practical learning and development materials. It includes mandatory E-learning modules as well as a number of useful resources to support staff. Information about available courses is accessed via ESS (Employee Self-Serve) and bookings can also be made through ESS.</p>
16	Other Council Specific Additional Codes And Protocols		<p><u>Monitoring Officer Protocol</u> - last reviewed in January 2016. Approved by the Council at its Annual Meeting in May 2016.</p> <p><u>Guidance to Councillors on Dealing with the</u></p>

		<p><u>Media</u> – first adopted February 2002, and last reviewed and updated by the Committee in January 2016. Approved by the Council at its Annual Meeting in May 2016.</p> <p><u>Protocol on Member / Officer Relations</u> - Introduced September 2002 and regularly reviewed and updated. This was last updated in January 2016. Approved by the Council at its Annual Meeting in May 2016.</p> <p><u>Members' Planning Code of Good Practice</u> - adopted February 2004, and regularly reviewed and updated. This was last reviewed in February 2016 and subsequently approved by the Council at its Annual Meeting in May 2016.</p> <p><u>Anti-Fraud and Bribery Strategy</u> – adopted November 2001 and regularly reviewed and updated. The strategy is reviewed annually to ensure that it sets out best practice and complies with relevant legislation. A Fraud Response plan was developed by Internal Audit at the same time to assist managers in knowing how to deal with allegations of wrongdoing. The outcome of investigations are reported to the Standards Committee.</p> <p>A Swindon Internal Audit Services Bulletin is issued to Members and Officers approximately twice a year to promote fraud awareness by communicating information on frauds elsewhere to officers and Members, and enable similar frauds to be prevented.</p>
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STANDARDS COMMITTEE

MONDAY, 25 JANUARY 2016

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

Councillor David Renard, the Leader of the Council, and John Gilbert, the Interim Chief Executive, were in attendance to report to the Committee 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.

At the invitation of the Chair, the Leader of the Council addressed the meeting on his view of the efficacy of the Council's ethical framework and its embedding within the organisation as an easily recognised platform for member behaviours when representing the Authority. He emphasised the importance of the framework in establishing the standards for the manner in which members carried out their various duties and responsibilities and as the means by which public confidence and trust in the work of the Council can be promoted and maintained. The Leader recognised the role played by the Standards Committee and the Monitoring Officer in supporting the ethical framework and congratulated members on their hard work and diligence in promoting and maintaining the highest standards of conduct by councillors and co-opted members. It was his view that the Council had, in place, a suite of relevant and effective practices to address all eventualities and that the Standards Committee had exhibited a level of commitment to the function that not only promoted best practice and the upholding of standards but had shown its diligence in making recommendations to Council when it considered standards of conduct and behaviour needed to be reviewed and where the level of commitment necessary to resolve these difficulties should be enhanced.

The Interim Chief Executive endorsed the Leader of the Council's viewpoint, adding that the Council, as part of its ongoing performance management regime, and in relation to the promotion of expected behaviours and values, placed a high level of importance on extending this ethical foundation into its external service contracts and ensuring its contracted service providers comply with the Council's ethical standards.

Following their opening remarks, the Leader and Interim Chief Executive responded to members' questions and observations on the following issues:

- 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.

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

Ethical Framework Update

Standards Committee

Date: 16th January 2017

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

1. Purpose and Reasons

- 1.1 To provide an update on various matters related to the Ethical Framework, 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 To review the Council's following Codes and Protocols and to determine whether any changes should be made.

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. Any dispensation granted under section 33 of the Localism Act 2011 must specify the period for which it has effect, and the period specified may not exceed four years.
- 3.2 At its meeting on 7th November 2016, the Standards Committee authorised the Director of Law and Democratic Services to invite existing members to re-apply for a dispensation on the subject matter of Council Tax as their current dispensations were due to cease in December 2016. The Committee authorised the Director of Law and Democratic Services to grant these and any additional applications received until 6 November 2020, in consultation with the Chair of this Committee.
- 3.3 A list of members who have applied for this 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 and Precept, the discounts and exemptions for Council Tax, or the Council Tax Support Scheme, 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.

Further information on the subject of this report can be obtained from Steve Jones, 01793 463602, stevejones@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 16th January 2017

- 3.4 The Director of Law and Democratic Services, in consultation with the Chair of this Committee, has granted the dispensations as set out in Appendix 1 which will ensure that the number of members prohibited from participating in discussions and voting on these matters is not so great that it would impede the transaction of the business of the Council. These dispensations have been granted until 6 November 2020, and the Committee is asked to note the list of members.
- 3.5 There are a number of members who have yet to seek a dispensation, and they will be receiving a reminder shortly.
- 3.6 The Committee is also asked to note that the Director of Law and Democratic Services, in consultation with the Chair of the Standards Committee, will continue to be authorised to grant applications for urgent dispensations on any subject matter in between meetings of this Committee. Any such dispensations will be reported to the next scheduled meeting of this Committee.

Summary of Code of Conduct Complaints

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

Year	Complaints	No Further Action	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

Further information on the subject of this report can be obtained from Steve Jones, 01793 463602, stevejones@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 16th January 2017

2015/16	3	3	0	0	0	0	0
2016/17	1	1	0	0	0	0	0

Consideration of Codes and Protocols

- 3.8 The Standards Committee annually reviews the Council's Codes and Protocols to ensure that these remain appropriate and up to date. At its meeting on 7th November 2016, members' views were sought regarding the effectiveness of the codes and protocols and whether changes were required to ensure these remain fit for purpose.
- 3.9 The Committee resolved that, in order to facilitate the Standards Committee's consideration of the Council's Codes and Protocols, and in line with the procedure utilised for previous reviews, the Monitoring Officer consult on each of the following Codes and Protocols with relevant officers, the political groups on the Council, and also with Parish Councils, and recommend any valid changes to the Standards Committee at its meeting in January 2017. *(Copies of the codes and protocols were circulated to members of the Standards Committee with the agenda for the meeting on 7th November 2016. These are also contained within the Council's Constitution and can be inspected on the website. Further copies can be provided via Committee and Member Services on request).*
- Members' Code of Conduct
 - Officers' Code of Conduct
 - Monitoring Officer Protocol
 - Councillor Role Definitions
 - Media Guidelines for Councillors
 - Protocol for Member/Officer Relationships
 - Members Code of Good Planning Practice
 - Local Code of Corporate Governance
 - Recording, Photography and use of social media protocol and guidance
 - Public Question Time at Council meetings Protocol and Guidance
 - The Whistleblowing Policy
- 3.10 In accordance with the Committee's instruction, a consultation process was commenced in November 2016. The following were consulted, with responses requested by 19th December 2016:
- Members of the Standards Committee.
 - All Parish Councils.

Further information on the subject of this report can be obtained from Steve Jones, 01793 463602, stevejones@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 16th January 2017

- The Political Groups on the Council (via the Political Assistants and Councillor Stan Pajak (on behalf of the Liberal Democrat Group)).
 - Corporate Directors and Heads of Service.
- 3.11 Members of the Committee, themselves, were also invited to submit to the Monitoring Officer the details of any particular issues that they would wish to be considered as part of the review of the codes and protocols. No submissions have been received.
- 3.12 As regards the consultation exercise conducted over the November/December 2016 period, all the responses received from Parish Councils, to date, have been simply to advise that no changes are requested. Chiseldon Parish Council was unable to provide a response within the timeframe specified and requested an extension into the New Year. No further information has been received at the date of agenda despatch but any comments received from Chiseldon Parish Council subsequently will be reported to the meeting. There were no formal submissions from members or officers.
- 3.13 There are no matters that the Monitoring Officer wishes to raise at this time.

Casey Review

- 3.14 The issue of standards in local authorities was raised by Dame Louise Casey in her recent review into opportunity and integration. The Local Government Chronicle article in relation to this aspect of the review is attached at **Appendix 2**.
- 3.15 In the article, Dame Louise stated that “I think the role of the monitoring officer has been a tad emasculated”. Thankfully, I do not feel that is the case in Swindon both in terms of the support I receive as Monitoring Officer from officers and members, and as a member of the Corporate Management Team.

Member Training

- 3.16 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.
- 3.17 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. A log of attendance at these events are kept and regularly reported back to this Committee.
- 3.18 The Monitoring Officer has conducted one Ethical/Code of Conduct training session for parish councillors since the last meeting of this committee on 5th December 2016 at Chiseldon Parish Hal (12 attended).

Further information on the subject of this report can be obtained from Steve Jones, 01793 463602, stevejones@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 16th January 2017

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.

Links to One Swindon, Plans and Policies

- 5.4 Monitoring of issues of probity in the Council underpins the Council's plans and policies and the delivery of One Swindon objectives.

Diversity Impact Assessment

- 5.5 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

- 5.6 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.

6. Consultees

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

7. Background Papers

- 7.1 None

Further information on the subject of this report can be obtained from Steve Jones, 01793 463602, stevejones@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 16th January 2017

8. Appendices

- 8.1 Appendix 1 - A list of members who have applied for dispensation under section 33 of the Localism Act 2011
- 8.2 Appendix 2 – Article in the Local Government Chronicle on the Casey Review
- 8.3 Appendix 3 - Details of the training and development events planned for the 2016-17 Municipal Year

List of applications for a Dispensation under Section 33 of the Localism Act 2011

Meeting and item of business for which the dispensation is being sought:

In relation to any meeting at which any matter which has a bearing on the setting of the Council Tax and Precept, the discounts and exemptions for Council Tax, or the Council Tax Support Scheme, is being or is due to be considered.

The dispensation that is being sought:

Dispensation from both of the restrictions in section 31(4) of the Localism Act 2011 so as to allow me to participate in any discussion and participate in any vote.

Reason for dispensation:

To ensure that the number of members prohibited from participating in discussions and voting on these matters is not so great that it would impede the transaction of the business of the Council.

With effect from the date stated below until 6 November 2020.

Name of Member	Applied for Dispensation	Dispensation granted
Ali, Junab	08/12/2016	19/12/2016
Ballman, John	08/12/2016	19/12/2016
Ballman, Ray	08/12/2016	19/12/2016
Bishop, Alan	12/12/2016	19/12/2016
Dempsey, Mark	06/12/2016	19/12/2016
Elliott, Toby	19/12/2016	To be signed
Ellis, Claire	05/12/2016	07/12/2016
Exell, Steph	11/12/2016	19/12/2016
Foley, Fionuala	05/12/2016	07/12/2016
Ford, Brian	06/12/2016	07/12/2016
Holland, Russell	05/12/2016	07/12/2016
Martin, Mary	08/12/2016	19/12/2016
Martin, Nick	08/12/2016	19/12/2016
McCracken, Gemma	12/12/2016	19/12/2016
Milner-Barry, Jane	16/12/2016	To be signed
Montaut, Derique	07/12/2016	19/12/2016
Page, Teresa	07/12/2016	To be signed
Pajak, Stan	07/12/2016	19/12/2016
Parry, Barbara	07/12/2016	19/12/2016
Parry, Kevin	07/12/2016	19/12/2016
Penny, Maureen	07/12/2016	19/12/2016
Perkins, Garry	07/12/2016	07/12/2016
Renard, David	07/12/2016	07/12/2016
Shaw, Eric	07/12/2016	19/12/2016

Shelley, Carol	07/12/2016	19/12/2016
Small, Kevin	22/12/2016	To be signed
Sumner, Gary	07/12/2016	19/12/2016
Tray, Joe	06/12/2016	19/12/2016
Watts, Peter	07/12/2016	19/12/2016
Weisinger, Steve	08/12/2016	19/12/2016
Williams, Keith	12/12/2016	19/12/2016
Wood, David	12/12/2016	19/12/2016
Wright, Julie	08/12/2016	19/12/2016



Casey interview: monitoring officers have been 'emasculated'

7 December, 2016 By Jon Bunn

Sir Eric Pickles "threw the baby out with the bathwater" when he abolished the Standards Board for England, leaving monitoring officers "emasculated", Dame Louise Casey has said.

Speaking to LGC following the publication of her high profile review into integration and opportunity, Dame Louise said she has long held concerns over the reform of councils' monitoring processes by former communities secretary Sir Eric, who abolished Standards Boards in 2010.

"Part of my concerns for a while have been that government threw out the baby with the bath water in terms of standards in local authorities," she said.

Dame Louise said the previous system was "litigious and challenging" and she understood why Sir Eric had made changes.

She added: "[The system] was not working in the right way but we seem to have gone from one extreme to another.

"I think the role of the monitoring officer has been a tad emasculated."

The Casey review found evidence that some political leaders allowed the development of "separatism and segregation" through fear of being accused of racism or losing voter support.

The review concludes that current processes for formal intervention were not sophisticated enough to deal with these problems, with "little recourse" to address damaging or divisive behaviour by councillors.

Dame Louise was keen to stress that there are many "brilliant" councillors, but she said she had received support from within local government for her review.

She said: "Some of the officers I have met in the past 12 to 18 months are frankly heroes.

"They walk this tightrope day in day out of dealing with members."

The review recommended councils be required to collect information that could indicate a breakdown in social cohesion, such as incidents of hate crime. It also called for all children outside mainstream schools to be registered with councils and for councils to be given a new duty to know where children are being educated.

Dame Louise told LGC councils' current responsibilities for children were not conducive with current regulations on home schooling.

She said: "We tell [councils] they are responsible for children then allow people to take children out of the school system without telling the local authority – we are so hands off at the moment."

Communities secretary Sajid Javid welcomed the report and said he would be "studying her findings closely" before responding fully. However, the report has been criticised by some, including councillors, for its focus on the Muslim community.

Dame Louise said she was determined not to "shy away" from difficult issues.

She added that people in public office, including council officers, elected members, civil servants and the government, had empowered extremist groups such as the English Defence League by "being awkward and skirting around the issue" of ideologies in some communities which oppress women and create division.

Dame Louise said "I have received messages from people who said thank you for making us talk about [these issues].

"Every chamber in every local authority around the country needs to talk about this.

"I have received messages from people saying 'we completely agree' and they have been liberated by me saying this is what you have experienced."

Member Training and Development Programme 2016-2017

Training and Development Programme for Councillors 2016/2017		
Dates	Subject	Facilitator
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

Member Training and Development Programme 2016-2017

		Services
2 November 2016 6.00pm Ctte Room 6	Briefing session – Renewable Energy Centre at the Keypoint Swindon site	David Potter
16 November 2016 6.00pm Ctte Room 2 CANCELLED	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

Members are invited to apply for an external event, and attendance is approved through a Cabinet Member Briefing Note.

Dates for member training

Potential dates earmarked for future member training (all 6pm start time):

2017
31 January 2017
28 February 2017
24 April 2017

Potential subjects for member training – delivered by officers

- Public Health and the mandated public health responsibilities that the council now has.
- Maximising the benefits of Swindon Borough Council's property portfolio.

Member Training and Development Programme 2016-2017

- The role of Swindon Borough Council in the economic development of the Borough.
- Improving skills and increasing employment.
- Child Protection Level 1 – on line.
- CSE – on-line
- Understanding how to make a referral to children's social care - direct training. 2 hours anytime in year.
- General awareness-raising of Adult Services.
- An introduction to housing services.

Learning Zone Modules

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

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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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