

# Swindon Borough Council

## Standards Committee

**Monday, 17 July 2017**

Committee Room 6, Civic Offices

At 5.00 p.m.

### **Councillors**

Kevin Parry  
Eric Shaw  
Timothy Swinyard  
Vera Tomlinson  
Steve Weisinger  
Colin Lovell (Deputy)  
Caryl Sydney-Smith (Deputy)  
(Conservative)

Jane Milner-Barry  
Teresa Page  
Joe Tray  
(Labour)

David Wood (Chair)  
(Liberal Democrat)

### **Co-opted Representatives**

Mr Trevor Davies  
Mr David Dawson  
(Co-opted Lay Representatives)

Mr Mike Compton  
Mr Richard Hailstone  
(Parish Representatives)

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

Mr Paul Morris  
Mr Keith Strickland

**Committee Officer:** Vicki Yull (Tel: 01793 463603) email: [VYull@swindon.gov.uk](mailto:VYull@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**

### **PART 1 (PUBLIC ITEMS)**

- 1. Apologies for Absence**
- 2. Appointment of Vice-Chair of the Committee**  
Members will be invited to nominate representatives for the position of Vice-Chair of the Committee.
- 3. Declarations of Interest**  
Members are requested at the start of the meeting to declare any known interests in any matter to be considered, and are reminded that any such interest should

also be declared at the start of an item or during any discussion of the matter concerned.

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

To receive the minutes of the meeting held on 27 March 2017.

**5. Public Question Time**

Please refer to the explanatory notes below.

**6. Exempt Items - Exclusion of Press and Public**

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

<u>Item No.</u>	<u>Paragraph No.</u>
10	1 and 2

**7. Standards Committee Annual Report** DLDS (Pages 7 - 20)

**8. Annual Work Programme** DLDS (Pages 21 - 24)

**9. Ethical Framework Update** DLDS (Pages 25 - 52)

**PART 2 (TO BE CONSIDERED WITHOUT THE PRESS AND PUBLIC PRESENT)**

**10. Ethical Compliance Report** DLDS (Pages 53 - 54)

**Date of despatch:** 6 July 2017

**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 from the Committee Officer named above or on the Council’s Website at:

<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>).

**Access Arrangements** - The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you have any special requirements to enable you to attend the meeting, or would like to receive any of the pages contained in this agenda in a larger print size, please contact the Committee Officer as soon as possible prior to the date of the meeting.

### **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, 27 MARCH 2017**

PRESENT:- Councillor David Wood (Chair), Councillor Jane Milner-Barry, Councillor Teresa Page, Councillor Gary Sumner, Councillor Vera Tomlinson, Councillor Joe Tray, Councillor Steve Weisinger, Mr Paul Morris, Mr Trevor Davies, Mr Richard Hailstone and Mick Compton.

Apologies for absence were received from Councillor Colin Lovell, Mr Keith Strickland and Mr David Dawson.

**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 January 2017 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 item listed below on the grounds that it 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.
- Membership of the Council's Independent Remuneration Panel.
- Code of Conduct complaints.
- Member Training.

- The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.

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

(2) That Mr Keith Strickland be appointed as a Lay Representative to the Council's Independent Remuneration Panel for a further period of three years.

(3) That the Prescribed Persons (reports on Disclosures of Information) Regulations 2017 be noted.

## **29.**

### **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.

## Standards Committee Annual Report

**Standards Committee**

**Date: 17<sup>th</sup> July 2017**

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Author: Director of Law and Democratic Services

Wards: All

Parishes Affected: All

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

- 1.1 To ask the Committee to agree its Annual Report for 2016/17.

### **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 2016 – May 2017.

### **3. Detail**

- 3.1 The Standards Committee has each year considered an Annual Report summarising its work for the previous year.
- 3.2 The draft of the Annual Report for 2016/17 is attached at Appendix 1. The Committee is asked to consider this draft and, subject to any amendments members might agree, to accept it as an accurate reflection of the work carried out by the Standards Committee during the year.

### **4. Alternative Options**

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

### **5. Implications, Diversity Impact Assessment and Risk Management**

Financial and Procurement Implications

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

Legal and Human Rights Implications

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

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

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

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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 Vicki Yull on 01793 463603 or [vyull@swindon.gov.uk](mailto:vyull@swindon.gov.uk).

# Standards Committee Annual Report

**Standards Committee**

**Date: 17<sup>th</sup> July 2017**

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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 for this report 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 2016 to May 2017

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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 Vicki Yull on 01793 463603 or [vyull@swindon.gov.uk](mailto:vyull@swindon.gov.uk).



**Swindon Borough Council**

# **Standards Committee**

**Annual Report**

**1<sup>st</sup> June 2016 – 31<sup>st</sup> May 2017**



## 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 A).

This Annual Report is a record of the work of the Standards Committee in the period June 2016 to May 2017.

## Membership of the Committee for 2016/2017:

<b>Councillors</b>	<b>Parish Representatives</b>	<b>Co-opted Lay Members</b>	<b>Independent Persons</b>
Fay Howard	Mr Mike Compton	Mr Trevor Davies	Mr Keith Strickland
Colin Lovell	Mr Richard Hailstone	Mr David Dawson	Mr Paul Morris
Gary Sumner			
Teresa Page			
Vera Tomlinson			
Joe Tray			
Steve Weisinger (Vice-Chair)			
David Wood (Chair)			
Cathy Martyn (Deputy)			
Kevin Parry (Deputy)			
Caryl Sydney- Smith (Deputy)			

## Independent Persons and the Independent Persons Protocol

Under the Localism Act 2011, the Council has appointed two Independent Persons, Messrs Paul Morris and Keith Strickland, to carry out the functions set out in the Act in respect of providing their views to complainants, councillors and the Assessment Panel on complaints and the complaints process. The period of these appointments 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.

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 2016/17 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 2016/17 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 2016/17, the Panel met on two occasions, to determine two outstanding complaints received in 2015/16 and a single complaint received in 2016/17. The following table provides comparative data for the last 9 years.

Year	Complaints	No Further Action under Code of Conduct	Referred for Investigation	Referred for Monitoring Officer or other Action to be taken	Breach following hearing	No action following referral	Local Resolution
2008/09	14	13	1	0	1	0	N/A
2009/10	7	5	2	1	1	1	N/A
2010/11	12	8	4	4	0	4	N/A
2011/12	10	8	2	2	0	2	N/A
2012/13	5	5	0	0	0	0	N/A
2013/14	14	11	3	1	0	1	2
2014/15	5	5	0	1	0	0	0
2015/16	4	4	0	2	0	0	0
2016/17	1	1	0	1	0	0	0

### Type of Complaints

The two outstanding complaints from 2015/16 both concerned allegations by a member of the public about the conduct of parish councilors. The Code of Conduct complaint received during 2016/17 was made by a member of the public about the conduct of a Borough Councillor.

### Processing of Complaints

The Standards Assessment Panel carried out the first stage assessment of all 3 of the complaints received in accordance with the Standard Committee's agreed process for the initial assessment of complaints. In each case, 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 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 2016/17.

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. The Committee were notified of new complaints and the progress and outcomes of subsequent investigations, including any learning points which arose.

During 2016/17, the Standards Committee was advised of the receipt by the Council of 5 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 5 cases reported to the Standards Committee:

- 2 were substantiated with recommendations that existing working arrangements be amended.
- 1 was unsubstantiated but the situation continues to be monitored by management.
- 2 were unsubstantiated but a number of improvements were made to processes as a result of the Internal Audit investigations.

## **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 Management Team, and that the following areas still required progress before they could be taken off the statement for 2015/16:

- 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

There were no new areas recommended for inclusion in the statement for 2015/16. 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 2016, following its formal approval by the Council's Audit Committee.

## **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.

At its meeting on 7<sup>th</sup> November 2016, the Committee's approval was sought on the appointment of a Lay representative to serve on the Independent Remuneration Panel, following the resignation of a former Lay representative, and it endorsed the appointment of Mr. David Body for a period of three years.

At its meeting on 27<sup>th</sup> March 2017, the Committee's approval was sought for the re-appointment of Mr. Keith Strickland as a Lay representative to serve on the Independent Remuneration Panel, following the cessation of his current appointment in March 2017, and it endorsed his re-appointment for a further period of three years.

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.

## **Changes to Chief Executive Reporting Structure**

At its meeting on 7<sup>th</sup> November 2016, the Committee was advised of the agreed changes to the number of senior officers reporting directly to the Chief Executive.

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 the s151 and Monitoring Officer functions, and asked to be kept informed.

## **Desktop Ethical Audit**

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

The annual self-assessment and update was considered and approved by the Committee in November 2016 who were satisfied that all governance requirements are in place.

## **Leader and Chief Executive ‘Question and Answer’ Session**

The Leader of the Council and the Chief Executive are invited annually to meet with the Standards Committee to report on matters relating to the Council’s ethical governance framework and issues of probity, and to discuss with members the key priorities for ensuring that high ethical standards continue to be promoted and maintained within the Council. This year, the Leader and the Chief Executive attended the meeting of the Committee on 25<sup>th</sup> January 2017.

Matters raised during the course of the discussion included:

- The pending review of the composition of the Corporate Management Team, following the recent appointment of the Corporate Director Resources and Transformation, and the continued membership on the team of the Monitoring Officer and s151 Officer.
- The future role of the Localities Team, following the Council’s recent review of Community Governance arrangements, and the facilitating of future engagement between the Council and Parish Councils.
- The potential to enhance the role of members in facilitating and maintaining links between the Council, Parish Councils and the wider community.
- Member applications for dispensation under Section 33 of the Localism Act 2011.
- The potential impact of the establishment of a greater number of Parish Councils on the workload of the Standards Committee.
- The staffing and budgetary implications of the transfer of services from the Council to Parish Councils.

## **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 2017, the Committee received the results of the Annual Review of the following Council Codes and Protocols, undertaken by the Monitoring Officer in accordance with the Committee’s established review process and involving consultation with relevant officers, each of the political groups on the Council, and also with Parish Councils.

- Members’ Code of Conduct.
- Officers’ Code of Conduct.
- Monitoring Officer Protocol.
- Councillor Role Definitions.
- Media Guidelines for Councillors.
- Protocol for Member/Officer Relationships.
- Members Code of Good Planning Practice.
- Local Code of Corporate Governance.
- Recording, Photography and use of social media protocol and guidance.
- Public Question Time at Council Meetings Protocol and Guidance.

- The Whistleblowing Policy.

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. The Committee resolved that the outcome of the consultation on the Council's Codes and Protocols be noted and that these be approved, without amendment, for inclusion in the Council's Constitution for 2017/18.

## **Casey Review**

At its meeting on 25<sup>th</sup> January 2017, the Committee was asked to note that the issue of standards in local authorities had been raised by Dame Louise Casey in her recent review into opportunity and integration. An article published in the Local Government Chronicle regarding this aspect of the review, contained a statement attributed to Dame Louise that "... the role of the monitoring officer has been a tad emasculated". The Committee noted that the Council's Monitoring Officer did not feel this was the case in Swindon, neither in terms of the support he receives as Monitoring Officer from officers and members, or as a member of the Corporate Management Team.

## **Prescribed Persons (reports on Disclosures of Information) Regulations 2017**

At its meeting on 27<sup>th</sup> March 2017, the Committee considered the Prescribed Persons (reports on Disclosures of Information) Regulations 2017, which came into force in April 2017. These require prescribed persons (to whom a worker can report whistleblowing in certain circumstances) to produce an annual report on any matters that are reported to them within the 12 month period commencing 1 April each year.

The regulations specify that the annual report should not contain information that may identify the worker, the employer or the person in respect of whom the disclosure has been made. It is also specified that the report is published on the Council's website, or other appropriate method to bring the report to the attention of the public. The Committee noted the introduction of the Regulations.

## **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 2016/17 Municipal Year, providing a record of all the member training events that had taken place, including details of councillor attendance at those events and their feedback from those events.

There were no Council elections in May 2017, but induction sessions relating to the regulatory Committees were held to accommodate members new to these Committees. They took place on 22<sup>nd</sup> May 2017 (Licensing Committee), 24<sup>th</sup> May 2017 (Planning Committee) and 25<sup>th</sup> May 2017 (Education Transport Appeals Sub-Committee).

## **Parish Councils**

The Standards Committee has continued to monitor training for Parish Councillors and offered assistance where required. The Committee has received an update at each of

its meetings on training issues relating to local Parish Councils, including the details of training events held. All but two of Swindon's Parish Councils (Bishopstone and Blunsdon) have adopted the Council's own Members' Code of Conduct. Where a Parish Council has opted to utilise an alternative code, training has been provided via the Wiltshire Association of Local Councils. The Monitoring Officer has carried out a number of training sessions for Parish Councils during the year. One session has been held on Ethics training, and two sessions have been held on Charing Skills. 12 councillors received the Ethics training, and 21 received the Charing Skills training.

The Monitoring Officer has continued to chair quarterly meetings of Parish Clerks in the Borough throughout the year. The Ethical Framework is a standing item on the agenda, with any issues arising reported back to the Standards Committee. In addition, quarterly liaison meetings chaired by the Monitoring Officer continue 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 2016/17 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 consultation 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 consultation with the Chair of the Standards Committee. The dispensations remained valid until 14 October 2016, in line with the period of dispensation made to other members of the Council previously.

As there is still no automatic exemption for members from having a prejudicial interest in Council Tax matters, and as the previously agreed period for dispensations had expired, the Committee was asked at its meeting in November 2016 to authorise the Director of Law and Democratic Services to invite 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. The Committee also agreed that any dispensations granted under these conditions be for the maximum period of four years, ending on 6 November 2020. All current serving members of the Council have been granted this dispensation.

The Committee also noted that the Director of Law and Democratic Services, in consultation with the Chair of the Standards Committee, would continue to be authorised to grant applications for urgent dispensations on any subject matter in



between meetings of the Committee, with any such dispensations granted being reported to the next scheduled meeting. The Committee also asked the Director of Law and Democratic Services to 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.

## **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: 17<sup>th</sup> July 2017**

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Author: Director of Law and Democratic Services

Wards: All

Parishes Affected: All

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

- 1.1 To ask the Committee to agree its Work Programme for 2017/18.

### **2. Recommendations**

The Committee is recommended to:

- 2.1 Consider and agree its Work Programme for 2017/18.

### **3. Detail**

- 3.1 A draft work programme for the Committee for 2017/18 is attached at Appendix 1 for the Committee to discuss and agree its priorities for the year. This is based upon the anticipated work for the Committee during the year, but can be adapted in response to any other matters which arise.

### **4. Alternative Options**

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

### **5. Implications, Diversity Impact Assessment and Risk Management**

Financial and Procurement Implications

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

Legal and Human Rights Implications

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

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

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

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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: 17<sup>th</sup> July 2017**

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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 for this report 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 2017/18

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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 2017 / 2018

The following work programme is proposed:

<b>Meeting</b>	<b><u>Agenda Item</u></b>
17 <sup>th</sup> July 2017	<ul style="list-style-type: none"> <li>• Appointment of the Vice-Chair.</li> <li>• Standards Committee Annual Report.</li> <li>• Work Programme.</li> <li>• Annual Governance Statement and consideration of the Annual Governance Statement process.</li> </ul>
6 <sup>th</sup> November 2017	<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>
15 <sup>th</sup> January 2018	<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>
26 <sup>th</sup> March 2018	<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 Framework Update.</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: 17<sup>th</sup> July 2017**

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Author: Director of Law and Democratic Services

Wards: 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 2017.

### **3. Detail**

Dispensations

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

Membership of the Standards Committee – Parish Representatives

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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: 17<sup>th</sup> July 2017**

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- 3.5 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 2017/18 by Council at its Annual Meeting on 19<sup>th</sup> May 2017.

## Draft Annual Governance Statement

- 3.6 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.
- 3.7 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 AGS 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.
- 3.8 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.
- 3.9 CIPFA/SOLACE has issued guidance '*Delivering good governance in Local Government*' which came in to effect from 1st April 2016 and will impact on the AGS for 2016/17.
- 3.10 The draft Annual Governance Statement is set out in Appendix 1 to this report.
- 3.11 As part of the document the Council must identify any areas of significant governance or internal control issues that have occurred during 2016/17. Potential areas for inclusion were discussed at Corporate Board. This included a review of last year's statement and agreeing whether any issues raised for 2015/16 could be taken off and whether any new issues needed to be included.
- 3.12 It is recommended that the following issues could be removed from the statement:
- ❑ IT service provision
  - ❑ Capacity and capability in the context of large scale change

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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: 17<sup>th</sup> July 2017**

- ❑ Financial relationships with wholly owned subsidiaries

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

- ❑ Information Governance and Security
- ❑ GCSE attainment

3.14 There are three new areas recommended for inclusion in the statement for 2016/17:

- ❑ Transfer of staff from SEQOL
- ❑ Housing contract management
- ❑ Parishing

3.15 The AGS has been reviewed by the Audit Committee at its meeting on 27<sup>th</sup> June 2017, and, subject to any recommendations this Committee might wish to make on the inclusion of additional significant control issues, the Annual Governance Statement will be signed off by the Leader of the Council and the Chief Executive.

## Summary of Code of Conduct Complaints

3.16 At its meeting on 21<sup>st</sup> 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 and members will note that there has been no change since the last report to this Committee.

Year	Complaints	No Further Action	Referred for Investigation	Referred for Monitoring Officer or other Action	Breach following hearing	No action following referral	Local Resolution
2008/09	14	13	1	0	1	0	N/A
2009/10	7	5	2	1	1	1	N/A
2010/11	12	8	4	4	0	4	N/A
2011/12	10	8	2	2	0	2	N/A
2012/13	5	5	0	0	0	0	N/A

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: 17<sup>th</sup> July 2017

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Year	Complaints	No Further Action	Referred for Investigation	Referred for Monitoring Officer or other Action	Breach following hearing	No action following referral	Local Resolution
2013/14	14	11	3	1	0	1	2
2014/15	5	5	0	1	0	0	0
2015/16	4	4	0	2	0	0	0
2016/17	1	1	0	1	0	0	0
2017/18	1	0	0	0	0	0	0

## Member Training

- 3.17 Attached at Appendix 2 are the details of the training and development events planned for the 2017-18 Municipal Year. A log of member attendance at these events will be kept and reported to this Committee at a future meeting.
- 3.18 A report was considered by the Member Development Advisory Group at its meeting on 18<sup>th</sup> April 2017 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 3. Feedback from events held in the current Municipal Year will be available following the next meeting of the Member Development Advisory Group on 3<sup>rd</sup> October 2017.
- 3.19 The Advisory Group will also be working on enhancing the overview and scrutiny training on offer at the Council.
- 3.20 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 26<sup>th</sup> June 2017, at which six councillors from four different parish councils received Chairing Skills training.

## **4. Alternative Options**

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

# Ethical Framework Update

**Standards Committee**

**Date: 17<sup>th</sup> July 2017**

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## **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 for this report as it does not recommend a change in Council policy or service. Arrangements for meeting the requirements of the Localism Act and monitoring probity of the Council ensures that good governance is maintained and protects the reputation of the organisation.

## **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 Annual Governance Statement: 2016/17.  
8.2 Appendix 2 – Member Training Programme 2017-2018.  
8.3 Appendix 3 – Member Training Sessions Evaluation Feedback.

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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).

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**SWINDON BOROUGH COUNCIL****DRAFT ANNUAL GOVERNANCE STATEMENT: 2016/17****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 (2016)*. 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, processes, 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 on-going 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 Code is based upon the following seven core principles:

- Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law
- Ensuring openness and comprehensive stakeholder engagement
- Defining outcomes in terms of sustainable economic, social and environmental benefits
- Determining the interventions necessary to optimise the achievement of the intended outcomes

- Developing the entity's capacity, including the capability of its leadership and the individuals within it
- Managing risks and performance through robust internal control and strong public financial management
- Implementing good practices in transparency, reporting and audit to deliver effective accountability

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

<http://ww5.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 Council 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.

Corporate 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, performance 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 Standards Committee has monitored standards of conduct of Members and advised the Council on probity issues.
- The role of the Director of Finance 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.
- The Internal Audit section has been externally assessed against the Public Sector Internal Audit Standards during 2016/17. The assessment, carried out by Bristol City Council, concluded that the Council's Internal Audit section conforms to the requirements of the Standards. A self-assessment of the Head of Internal Audit's role has also 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 officer (SIRO) has assessed the Council's information governance and security arrangements and has stated that:

'Work has continued to develop and embed information governance policies and supporting processes in 2016/17. The Council has completely refreshed its information and technology policies. These policies have been out to consultation in 2016/17 and have now been approved, with a formal launch planned in early 2017/18. The launch will be supported by a programme of training.

There have been variable levels of take-up of mandatory information governance and security related training in the Authority in 2016/17. Work has been undertaken to address this and day one training for all new staff has been agreed as part of the Council's induction process, a new training platform has been procured to delivery mandatory ongoing training and Council has procured and is piloting a policy management solution to support the launch of new information policies.

Due to several changes in the holder of the SIRO role in 2016/17, some information governance practices have not developed to their full potential. The Information Governance Board has not met in 2016/17. However, the SIRO role has now been allocated and the Chief Information Officer role designated. The Information Governance Group's membership has been refreshed and is due to start meeting again in early 2017/18. Information Asset Managers roles have started to mature but more work is required to embed these roles and the role of the Information Asset Assistant in the organisation.

Work to develop Information Risk Management is continuing and the Council's Information Asset Register is being developed to provide a more comprehensive picture of the information the Council holds and the threats and risks to be managed. Information risk has been escalated to the Council's corporate risk register, for Corporate Management Team awareness and scrutiny.

Following the Council's change of IT provision from an external Outsourced provider to In-House provision in early 2016, the Council has undertaken a significant IT infrastructure modernisation and up-grade programme, which with full support, advice and guidance from the Cabinet Office PSN Team, is expected to lead to a new PSN Compliance certificate being awarded in mid-2017. Toolkit 13 and 14 publication can then take place immediately after the granting of compliance. Work continues to develop in-house Information and Technology capacity and capabilities and modernisation of the service following the in-sourcing of the service from Capita.

The Council's archive for paper records has been made largely fit for purpose and a long-term archiving solution has been identified and is in the process of procurement.'

Other in-year reviews included:

- Both Cabinet and the Audit Committee considered the External Auditor's Annual Audit letter in 2016/17. 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 2015/16.
- 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 revised its Local Code of Corporate Governance to reflect the updated guidance from CIPFA/SOLACE during 2016/17.
- Risk Management: the risk management strategy and the Corporate Risk Register is regularly updated in consultation with Corporate Management Team 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.
- The Council's Change Manager: Equality and Diversity has stated that 'the Council is compliant with the Public Sector Equality Duty (Equality Act 2010) and has in place a consistent approach to equality analysis. All Cabinet reports include specific equality consideration showing 'due regard' to the duty. This information is quality assured prior to Cabinet meetings. The Council has clear 2017/18 Equality objectives in place and receives scrutiny of its work by the Equalities Advisory Forum.'

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

- Obtaining assurances from all Corporate 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 the following area included in last year's statement have progressed sufficiently for them not to be included as areas of focus in this year's statement:

- IT service provision
- Capability and capacity in the context of large scale change
- Financial relationships with wholly owned subsidiaries

These areas will continue to be reviewed and relevant risks will be included and managed through the Council's Corporate Risk register.

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

- Information Governance and Security
- GCSE attainment

More detail on these areas is provided below.

## **5. Opinion on the Council's governance arrangements**

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

## **6. 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** – the Council has completely refreshed its information and technology policies. These have now been approved and will be launched in early 2017/18 supported by a programme of training. There have been variable levels of take-up of mandatory information governance training and work has been undertaken to address this.

Following the Council's change of IT provision from an external Outsourced provider to In-House provision in early 2016, the Council has undertaken a significant IT infrastructure modernisation and up-grade programme, which with full support, advice and guidance from the Cabinet Office PSN Team, is expected to lead to a new PSN Compliance certificate being awarded in mid-2017. Toolkit 13 and 14 publication can then take place immediately after the granting of compliance. Work continues to develop in-house Information and Technology capacity and capabilities and modernisation of the service following the in-sourcing of the service from Capita

Areas of improvement for 2018/19 include:

- Obtain and maintain Public Service Network Code of Compliance certification and achieve NHS Information Governance Toolkit compliance.
  - Launch refreshed information policies and supporting training. Increase compliance with mandatory information and security training.
  - Ensure the organisation is prepared to comply with the General Data Protection Regulations by May 2018.
  - Continue to embed Senior Information Risk Officer, Information Asset Owner and Information Asset Assistant roles in the Authority and continue to develop and embed good information management processes and practices.
- **GCSE Attainment** - Significant action was taken during 2016/17 to establish a robust governance structure that enables and challenges performance concerning school improvement in Swindon. This has included the establishment of the new Swindon Challenge Board. GCSE results are improving slowly but raising attainment across the Borough will not be a quick fix and time will be needed for the Board to have an impact on a rise in standards.

An on-going challenge for the Council will be ensuring the involvement of Academies in contributing to the improvement agenda. This has improved over the past twelve months with the Council and the Academies working closer together with national organisations and external academy trusts. All bar one of the Council's secondary schools is an academy and 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.

- **Transfer of staff from SEQOL** – due to SEQOL ceasing to trade approximately 500 staff had to be brought back in-house over a very short time period. Services brought back in-house included: the front line social work team; two older people care homes; a learning disability care service; shared lives; building futures; Swindon Support team; the Hospital social work team; Enterprise Works etc. Work was also required to find new providers for four older people day services.

The transfer of staff and services required significant work regarding consultation with staff, sorting out accommodation requirements and the novation of contracts. On transfer budgets and cost centres needed to be rebuilt; staffing vacancies filled, TUPE arrangements agreed, as well as restructuring the staff as there was no management structure.

The staff transfers were carried out in a very short period and involved a significant amount of officer time, however there was no adverse effect on service users.

- **Housing contract management** - an Internal Audit review of the contract management arrangements within Housing was undertaken during 2016/17. The audit found a number of significant weaknesses including:
  - Management arrangements were not sufficiently robust to effectively monitor and manage the overall Housing capital programme of works. A number of contracts have overspent their contract award/contract extension values breaching the Council's Contract Standing Orders requirements i.e. section 28 relating to Contract Variations specifically relating to works contracts.
  - Emerging key risks and issues have not been identified within projects and the overall programme of work.
  - There have been delays in getting contracts mobilised due to difficulties encountered in clearing contract awards at Gateway three.

A subsequent follow-up audit carried out during 2016/17 found that procedures had improved but there was still a significant amount of work required to implement agreed audit recommendations.

- **Parishing** – a significant diversion of resources was required to:
  - Work with pilot parishes regarding the transfer of services
  - Establish new parishes including the election of new Councillors
  - Disaggregate budgets and service provision
  - Consult regarding the proposed changes

All areas of the Council have now been successfully parished. The bedding in of the transition process will be closely monitored to ensure that this continues to happen smoothly.

## 7. 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 6. 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

John Gilbert  
Chief Executive

## **Corporate Training and Development Programme for Councillors 2017/2018**

**(Note: service areas will organise service specific training in addition to the below)**

<b>Dates</b>	<b>Subject</b>	<b>Facilitator</b>
22 May 2017 6.00pm Committee 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 2017 6.00pm Committee Room 1	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 2017 6.00pm Committee Room 6	Education Transport Appeals Sub-Committee	Emily Heaton, School Admissions Manager
26 June 2017 6.00pm Committee Room 6	Chairing Skills	Stephen Taylor, Director of Law and Democratic Services
7 July 2017 4.00pm Committee Room 2	Responsibilities of councillors appointed by the council to the boards of outside bodies	Kehinde Awojobi, Head of Conveyancing, Environment and Contracts
TBC	Scrutiny Training	External provider
TBC	Media Training	External provider
TBC	Understanding the Capital Budget	Paul Smith, Head of Technical Finance
TBC	Visit to Waterside Recycling Centre	Lance Greenhalgh, Head of Depot Operations
Training session provided at each meeting	Corporate Parenting Advisory Board	Director of Children's Services
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 to attend external events and conferences, 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):

<b>2017</b>	<b>2018</b>
16 October	3 January
30 October	29 January
31 October	21 February
1 November	27 February

## EZone Modules

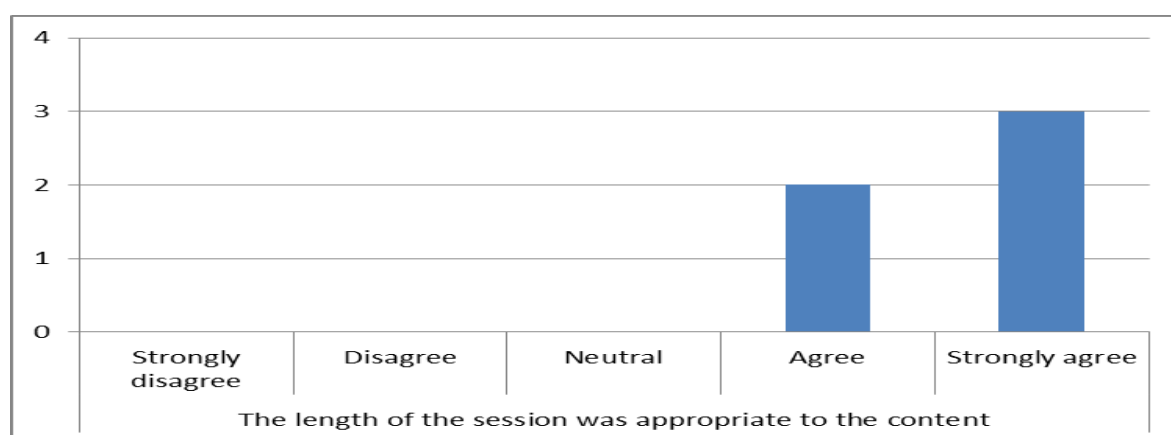
- Data Protection.
- Equality and Diversity.
- Fraud Awareness.
- Freedom of Information.
- Information Security.
- Child Sexual Exploitation.

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

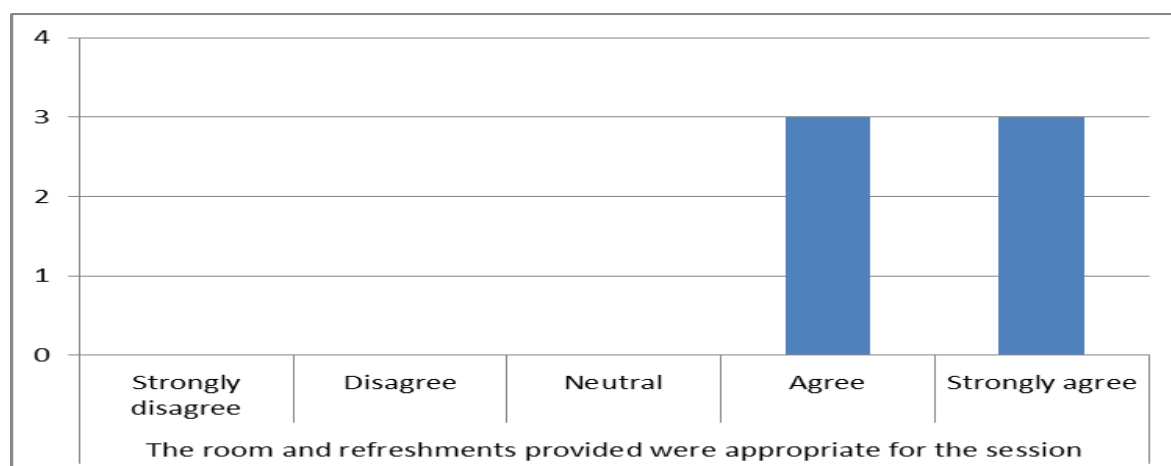
## ***Induction for new members of the Licensing Committee – 23 May 2016***

This session was attended by 8 councillors and 6 feedback forms were received. Unfortunately, one respondent did not fully complete the form and so there is some missing data.

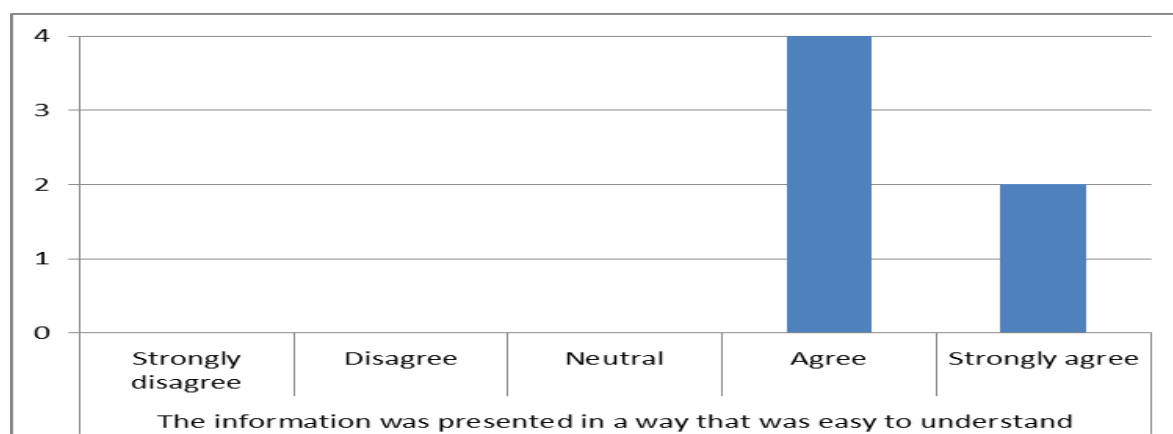
The councillors were asked their thoughts on the arrangements for the training session. First of all they were asked if they felt the length of the session was appropriate to the content. The responses were:



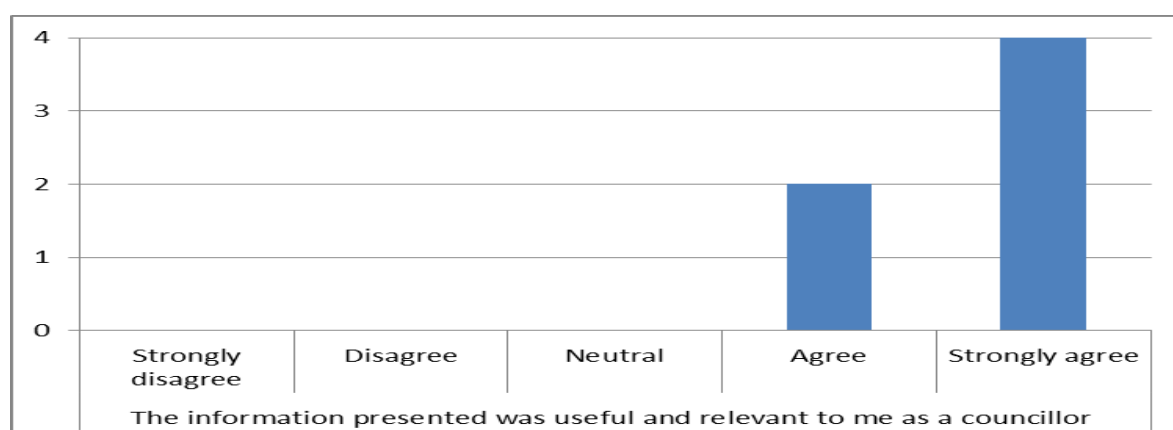
They were then asked if they felt the room and refreshments provided were appropriate for the session. The responses were:



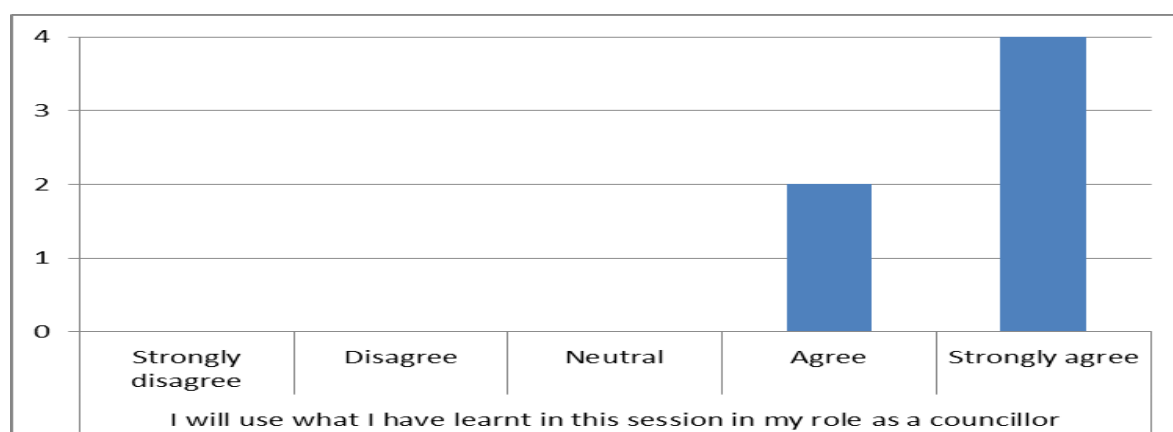
The councillors were then asked their thoughts on the content of the training session itself. They were first asked if the information had been presented in a way that was easy to understand. The responses were:



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

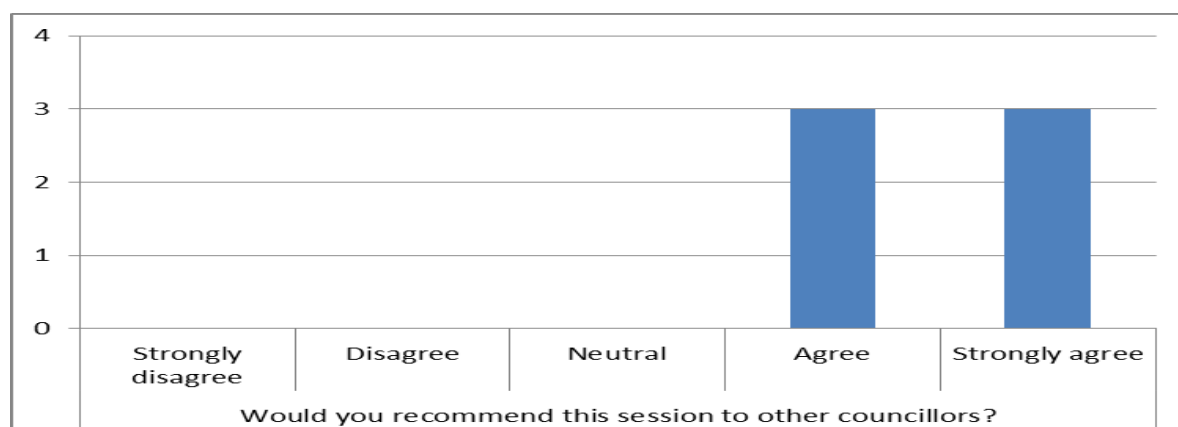


The councillors were then asked if they will use what they have learnt in this session in their role as a councillor. The responses were:



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:

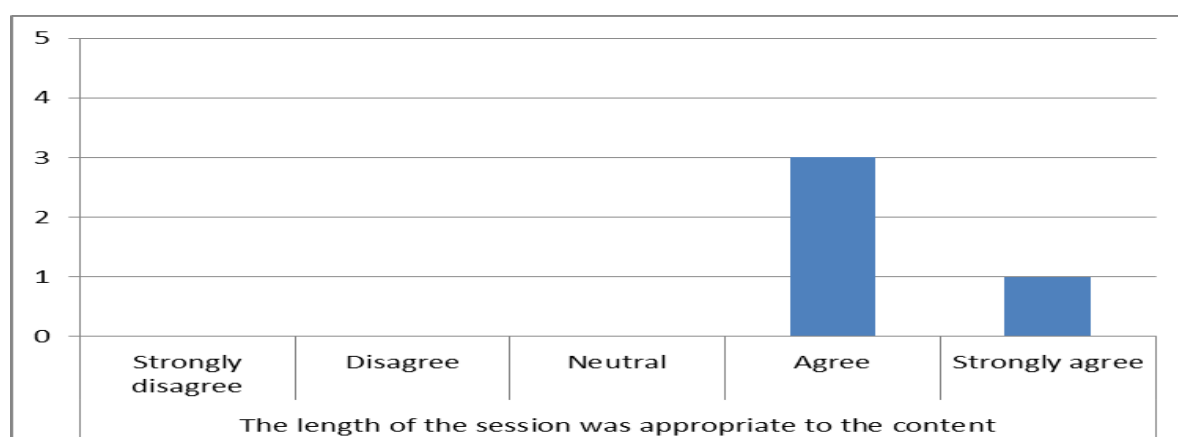




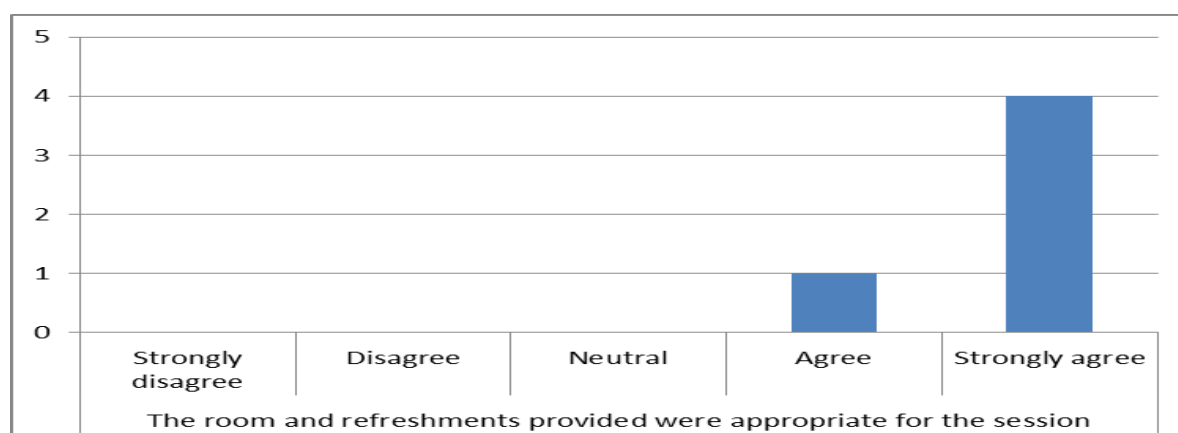
### ***Induction for new members of the Planning Committee – 24 May 2016***

This session was attended by 8 councillors and 5 feedback forms were received. Unfortunately, one respondent did not fully complete the form and so there is some missing data.

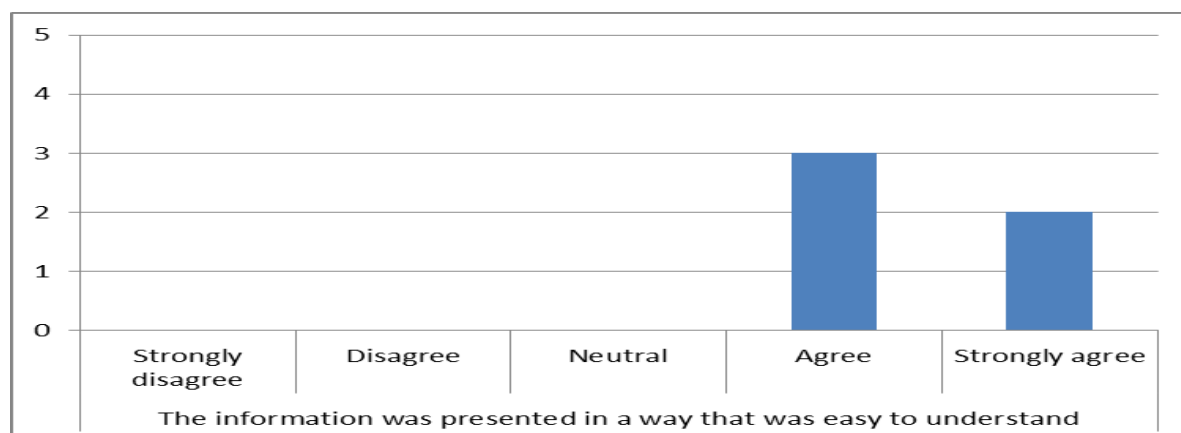
The councillors were asked their thoughts on the arrangements for the training session. First of all they were asked if they felt the length of the session was appropriate to the content. The responses were:



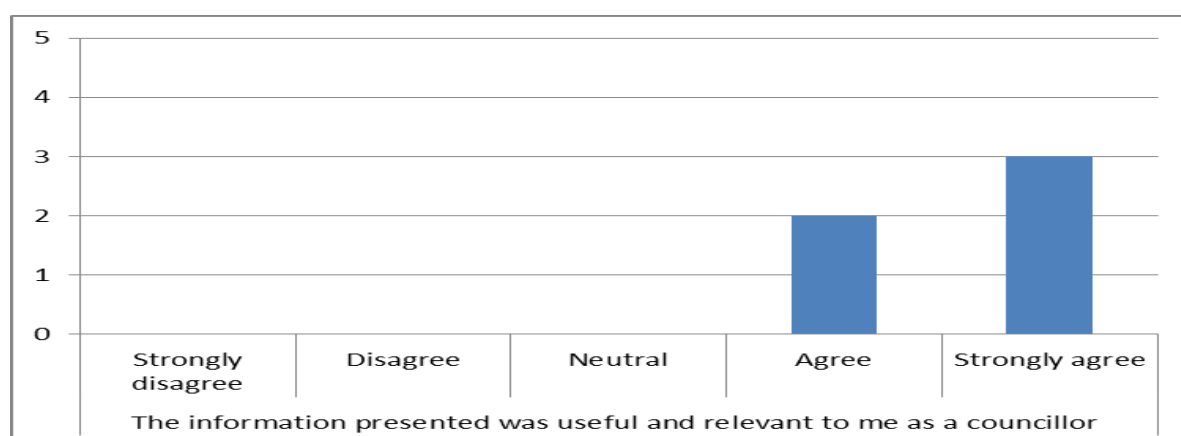
They were then asked if they felt the room and refreshments provided were appropriate for the session. The responses were:



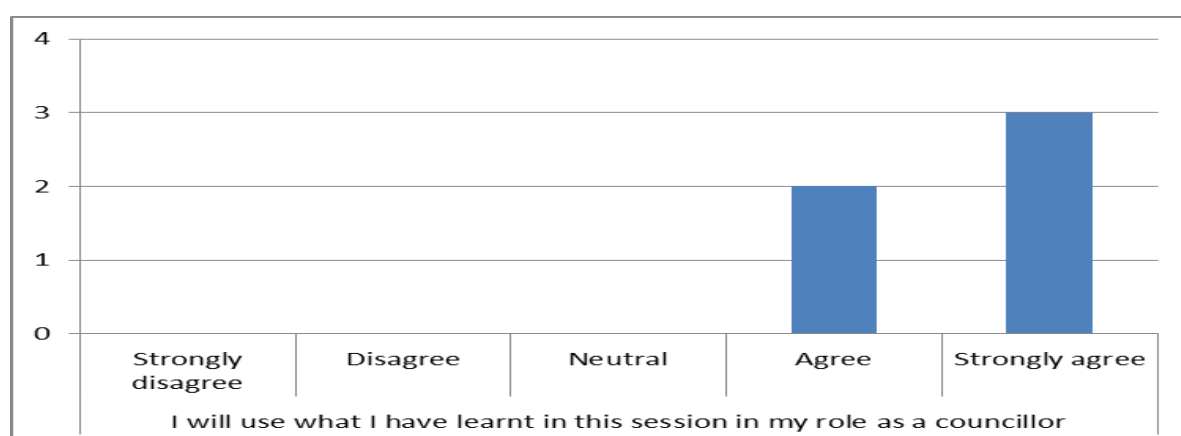
The councillors were then asked their thoughts on the content of the training session itself. They were first asked if the information had been presented in a way that was easy to understand. The responses were:



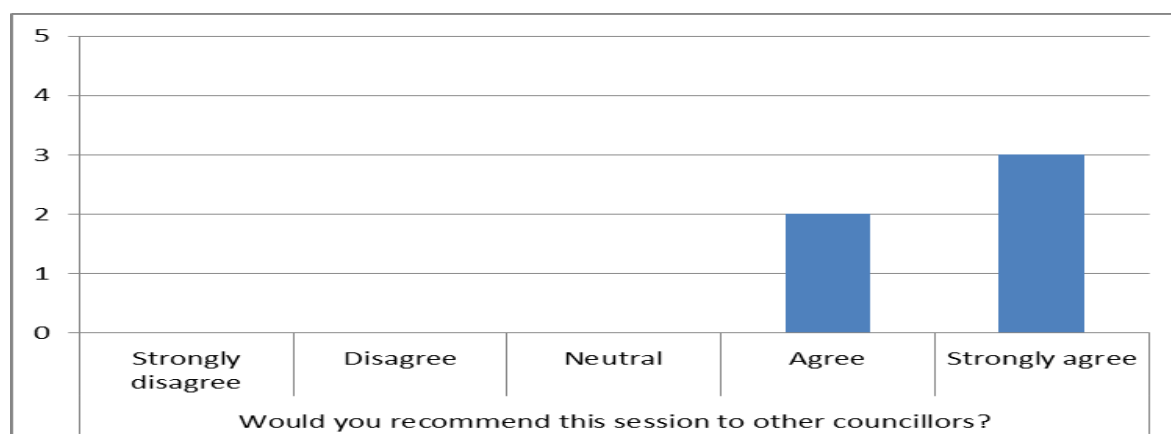
They were then asked if the information presented was useful and will be relevant to them as a councillor. The responses were:



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:

- Use examples from previous planning decisions:
  - Committee vote against officers recommendation
  - Appeal against Committee decision
  - Wrong decisions made – lessons learnt

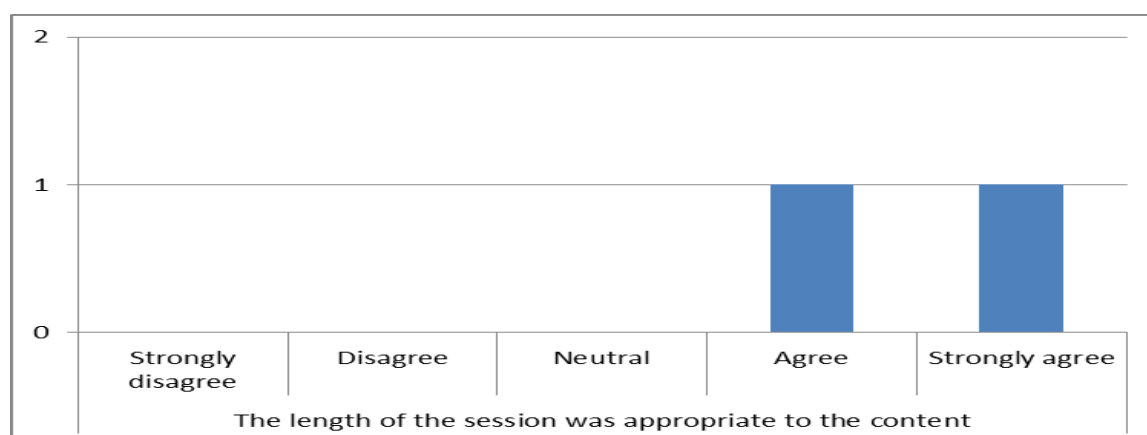
### ***Safeguarding Children – 25 May 2016***

This session was attended by 4 councillors but unfortunately only 1 feedback form was received. The feedback on the form however was very positive, with 'Strongly Agree' having been chosen as the answer for all the questions. The councillor also commented that the content had been excellent, and that it had put things into context for them.

### ***Visit to Waterside Recycling Centre – 15 June 2016***

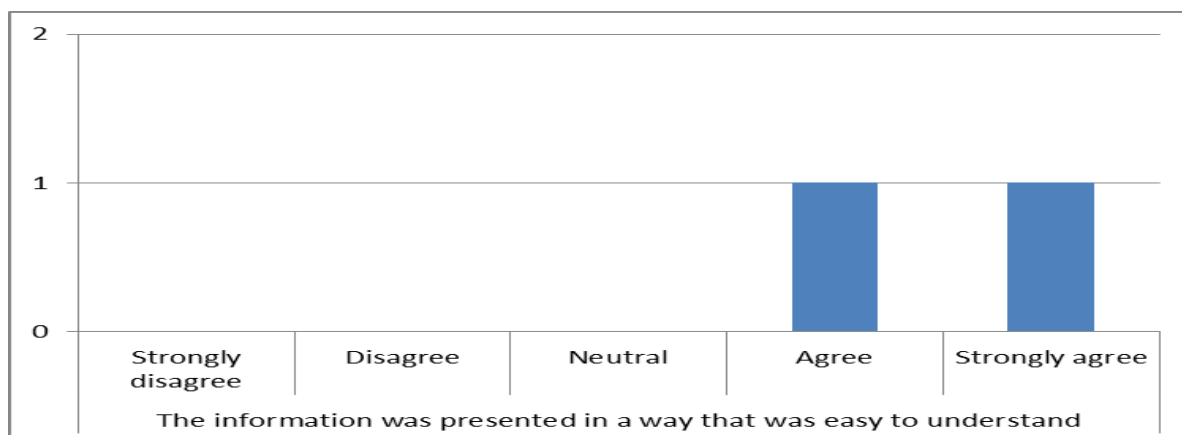
This session was attended by 3 councillors and 2 feedback forms were received.

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:



The question regarding if they felt the room and refreshments provided were appropriate for the session were not answered as this session had involved a tour around the site rather than being in a static environment.

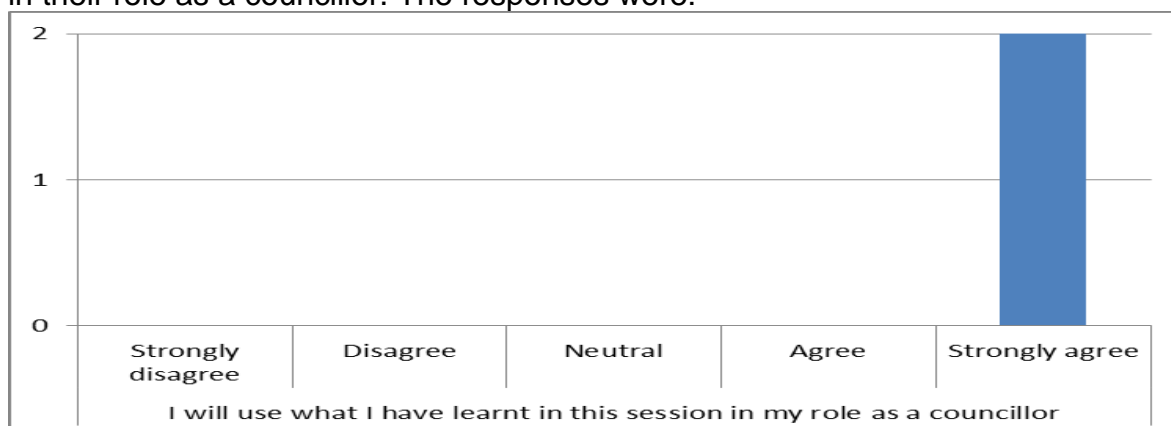
The councillors were then asked their thoughts on the content of the training session itself. They were first asked if the information had been presented in a way that was easy to understand. The responses were:



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:



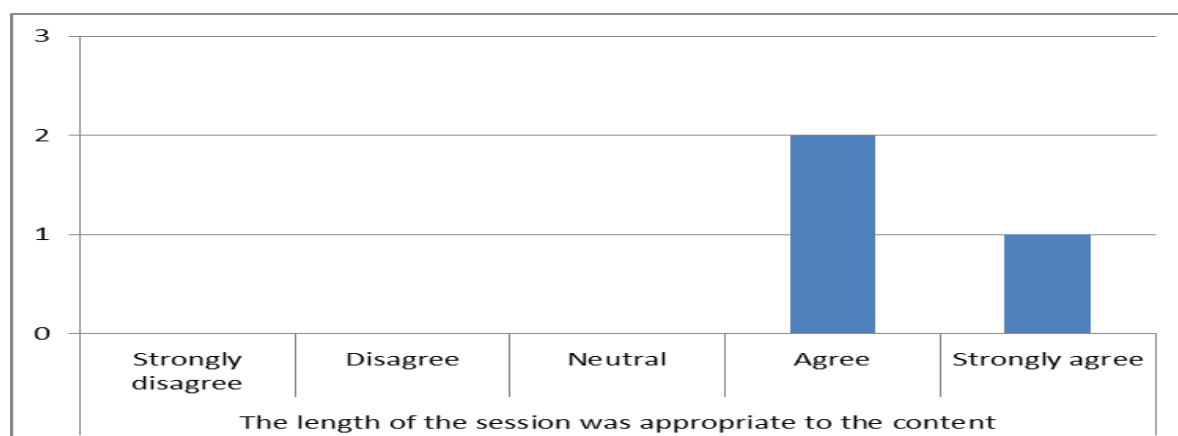
The councillors were also offered the opportunity to provide some additional comments on any thoughts they had on how the training offer could be improved. Their responses were as follows:

- Fascinating tour, but a couple of handouts would be useful - chart showing the departments and how they relate to each other organisationally, and the names and job titles we ought to know in each department. If there is such a chart, please send! Thanks to everyone who showed us round
- Really useful session, would highly recommend to all councillors (probably very beneficial to those on Streetsmart / Highways O&S). Big thank you to staff at Waterside for making the session possible

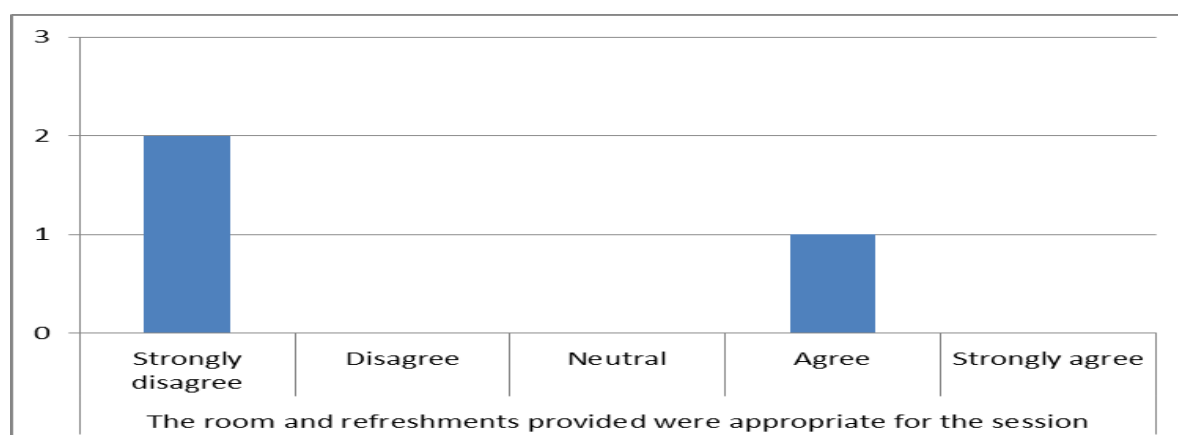
### ***Safeguarding Adults – 27 June 2016***

This session was attended by 6 councillors and 3 feedback forms were received.

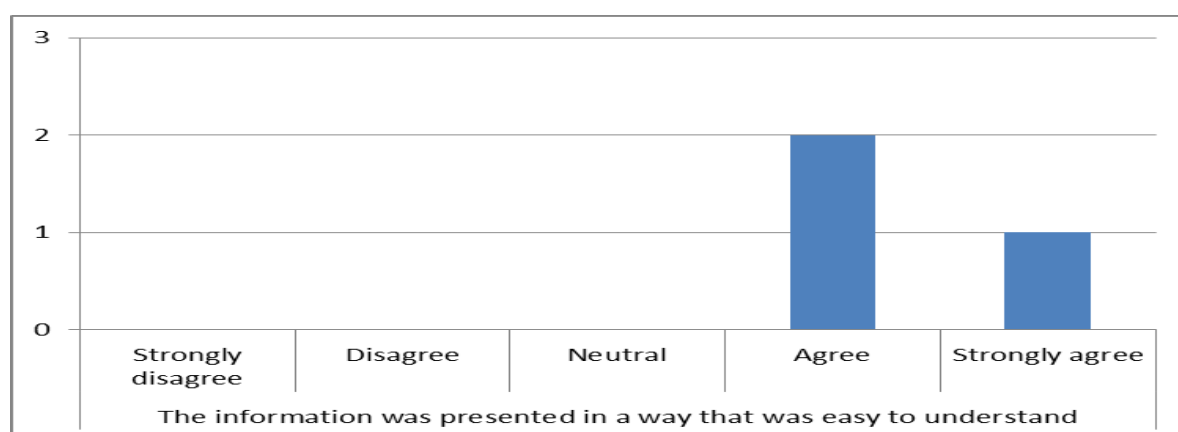
The councillors were asked their thoughts on the arrangements for the training session. First of all they were asked if they felt the length of the session was appropriate to the content. The responses were:



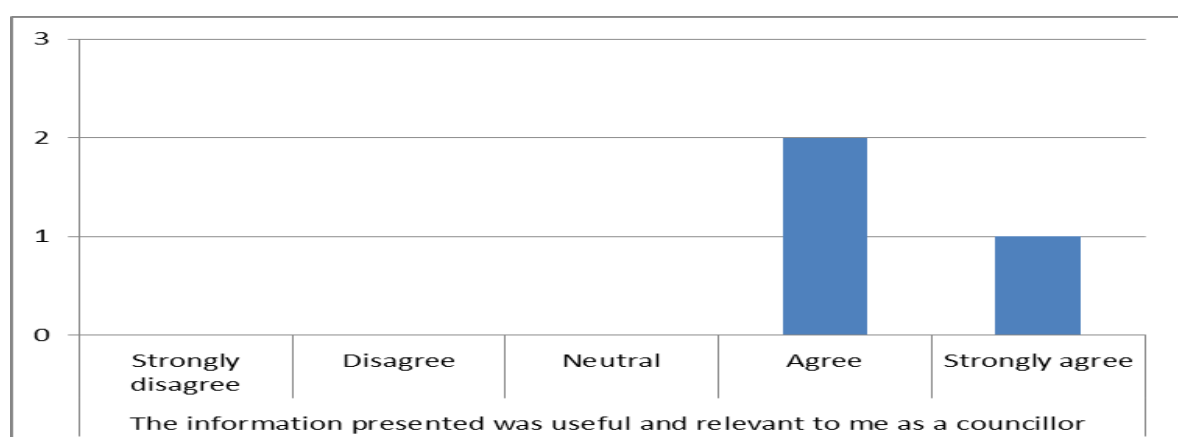
They were then asked if they felt the room and refreshments provided were appropriate for the session. The responses were:



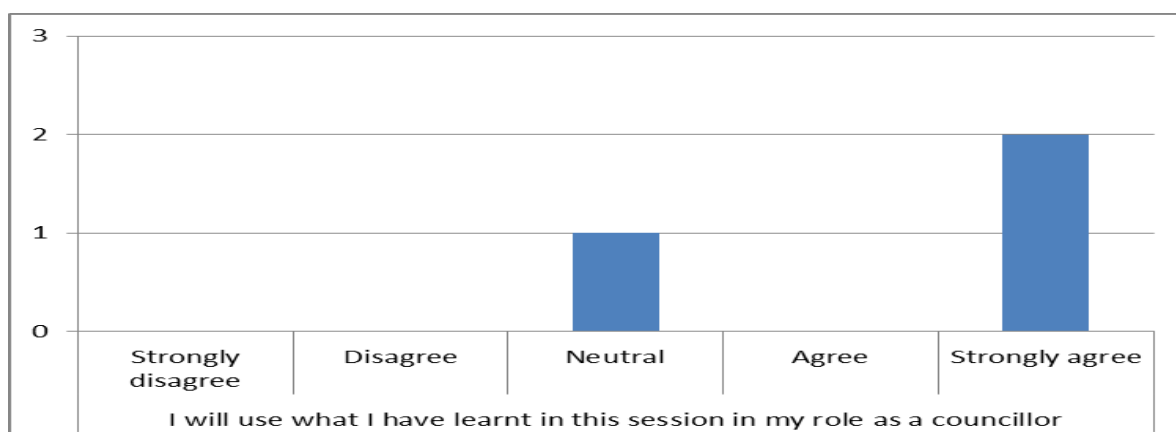
The councillors were then asked their thoughts on the content of the training session itself. They were first asked if the information had been presented in a way that was easy to understand. The responses were:



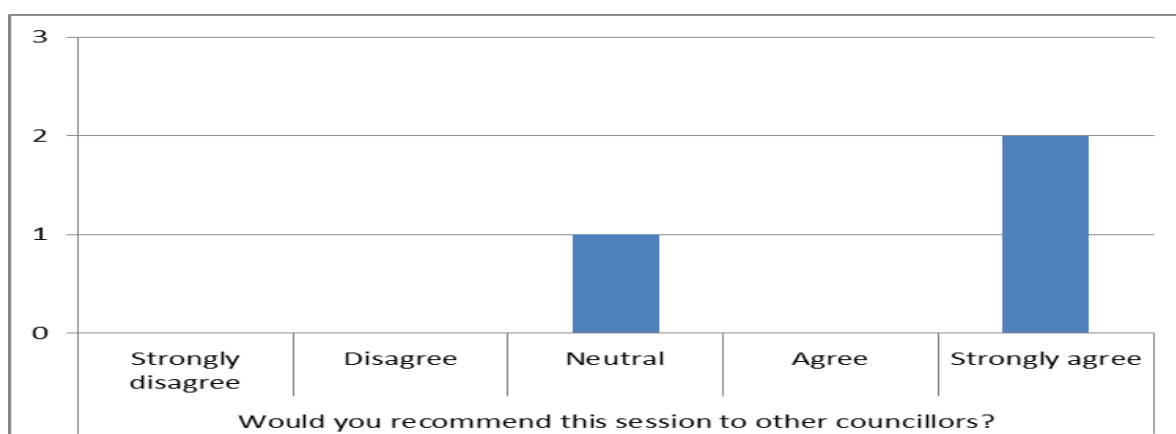
They were then asked if the information presented was useful and will be relevant to them as a councillor. The responses were:



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:



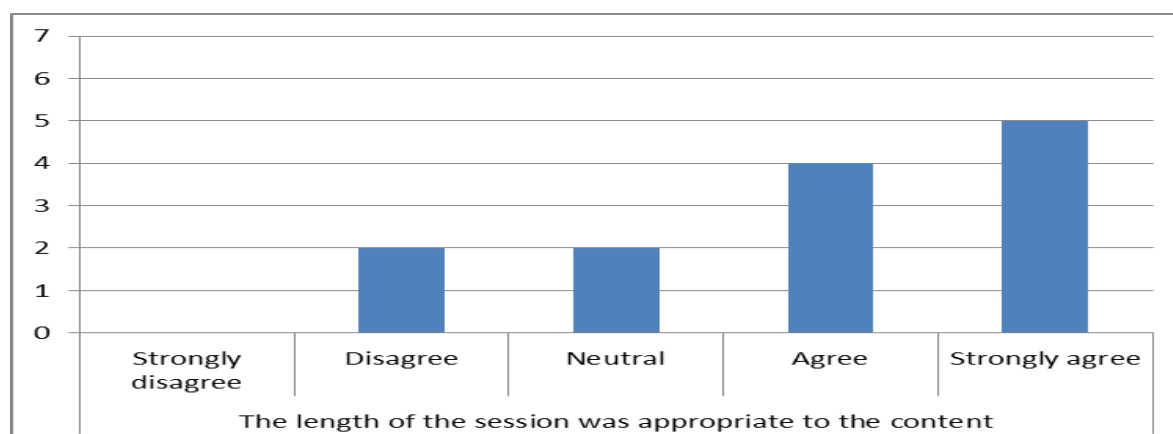
The councillors were also offered the opportunity to provide some additional comments on any thoughts they had on how the training offer could be improved. Their responses were as follows:

- I feel that I have only scratched the surface! I still felt quite ignorant at the end of the session. Although the presenter was a very nice guy
- Wrong room and refreshments arrived 15 minutes before finish
- I will need in depth briefings as I am the lead member / Cabinet Member
- The refreshments only arrived 15 minutes before the end of the session
- There were only 6 councillors present. I think it's a lot to ask an officer to stay at work til gone 7.30pm for only 6 members

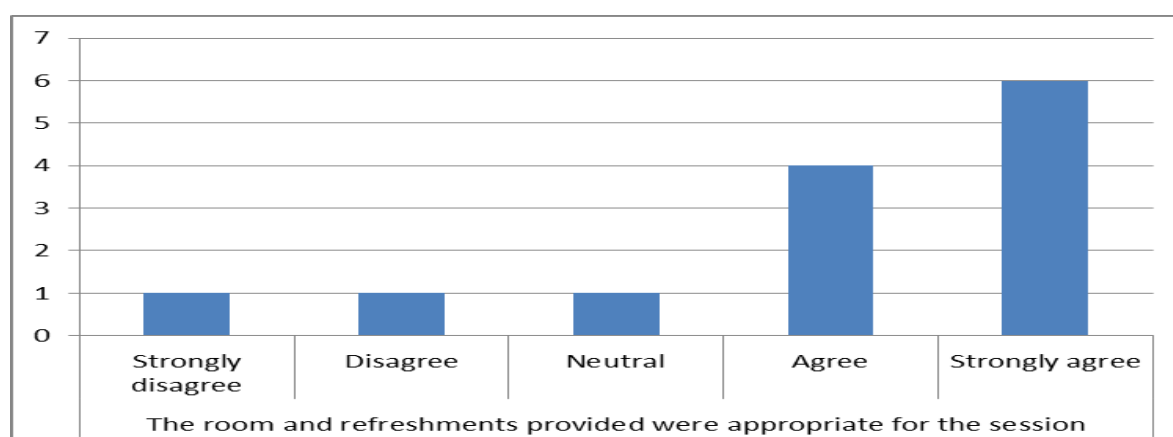
### ***Education Transport Appeals Sub-Committee – 30 June 2016***

This session was attended by 15 Borough Councillors and 13 feedback forms were received. One Parish Councillor also attended this session.

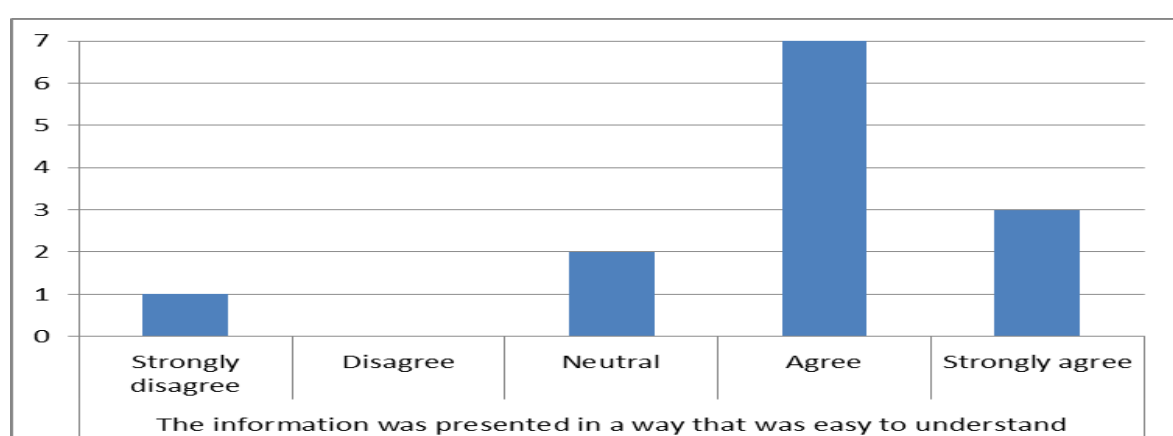
The councillors were asked their thoughts on the arrangements for the training session. First of all they were asked if they felt the length of the session was appropriate to the content. The responses were:



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

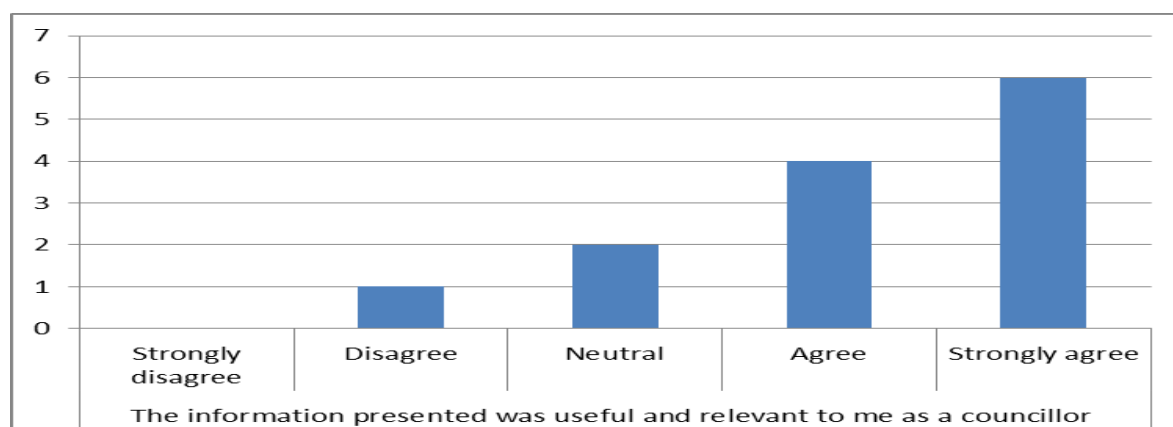


The councillors were then asked their thoughts on the content of the training session itself. They were first asked if the information had been presented in a way that was easy to understand. The responses were:

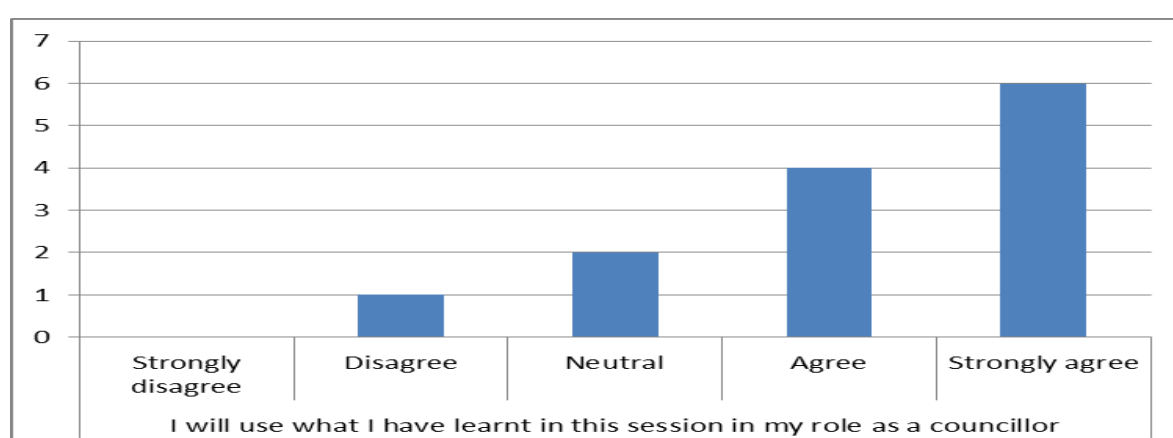


They were then asked if the information presented was useful and will be relevant to them as a councillor. The responses were:

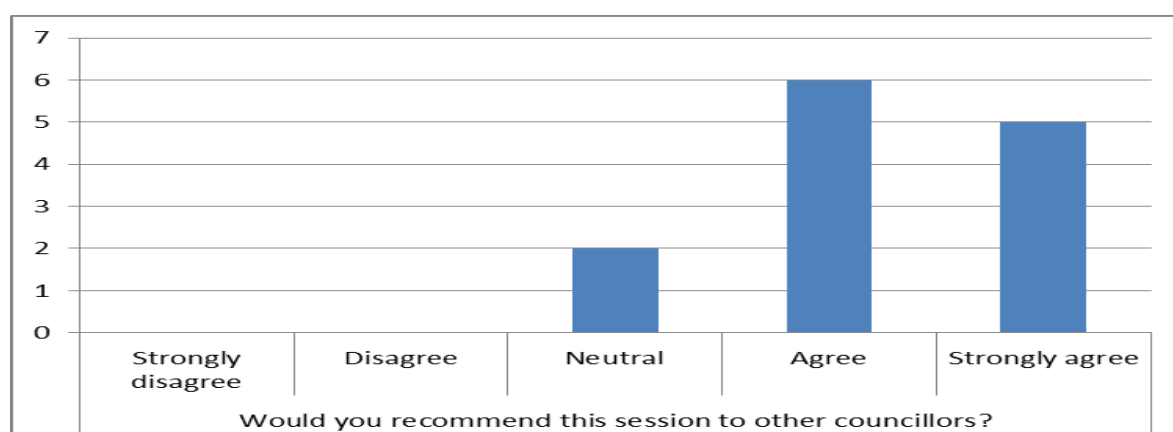




The councillors were then asked if they will use what they have learnt in this session in their role as a councillor. The responses were:



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:

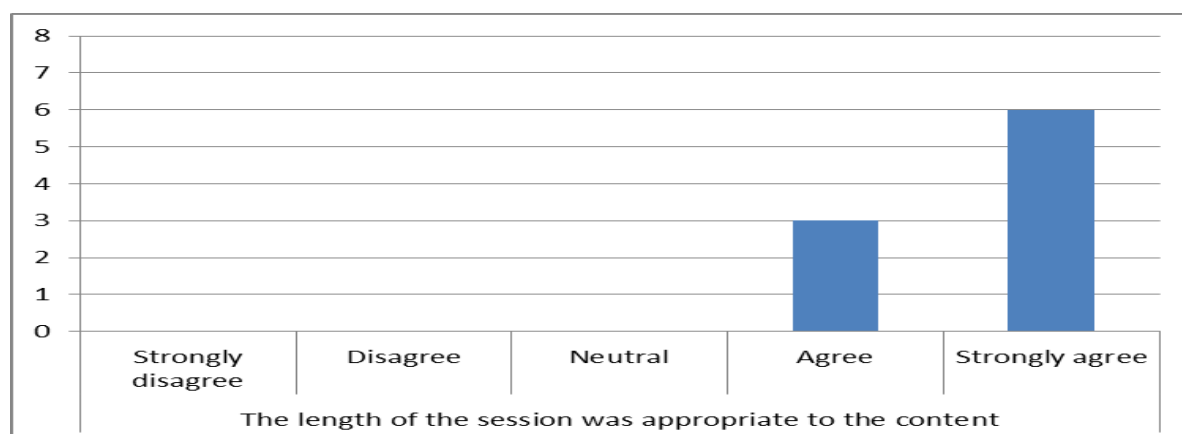
- Not to stand in front of the screen on which the information is shown
- Not enough hot water. 25 people but only 1 canteen of hot water

- The information on the handouts is very useful but the print is much too small. To use it at / before appeals, it needs to be printed out much bigger
- Handouts please at beginning of session
- Presentation could have been delivered more quickly
- Overall useful and informative however it could have been quicker, presenter standing in front of screen not usefull, handout ready to read before presentation started would be useful, an exercise going through a case / role play would have answered most questions
- Having enough handouts for all councillors at start of session. Handouts being distributed at beginning without having to ask for it to be handed out. Maybe starting with brief overview of school applications process as background information
- I will have a look at the legislation but maybe some links to government guidelines etc would be helpful
- Thank you for letting me come, it was very useful, it helped me a lot
- Committee Room 6 is sound dead. In rooms CR1 and CR2 it is easier to hear the presenter.

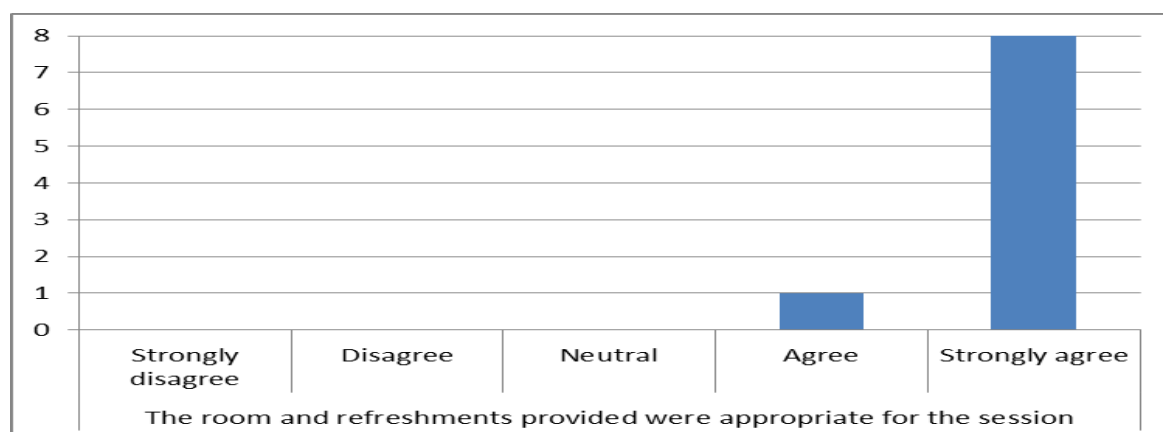
### ***Chairing Skills – 6 September 2016***

This session was attended by 6 Borough Councillors and 9 feedback forms were received. 8 Parish Councillors also attended this session.

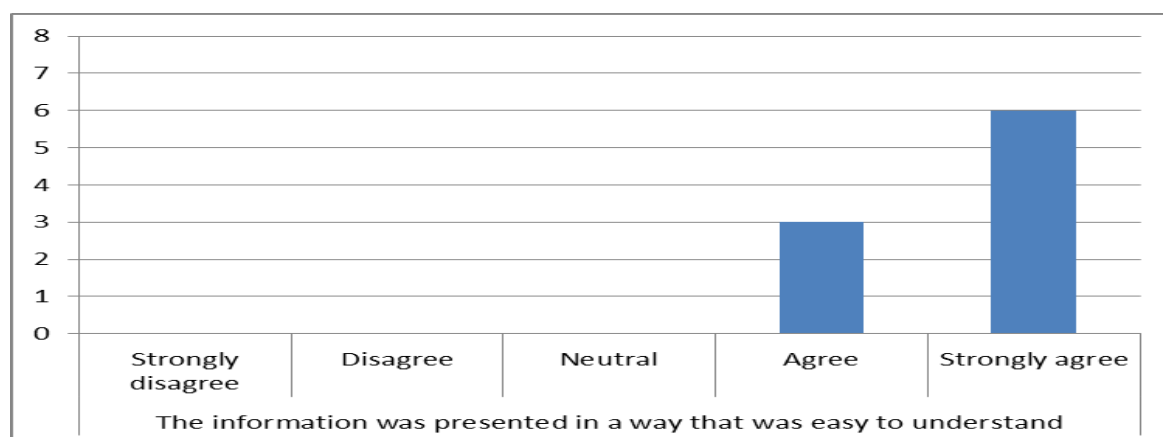
The councillors were asked their thoughts on the arrangements for the training session. First of all they were asked if they felt the length of the session was appropriate to the content. The responses were:



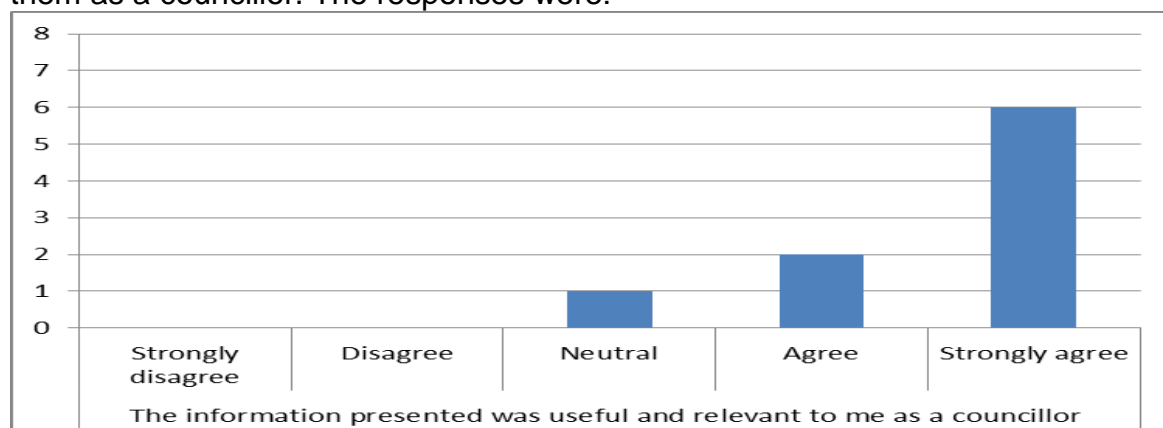
They were then asked if they felt the room and refreshments provided were appropriate for the session. The responses were:



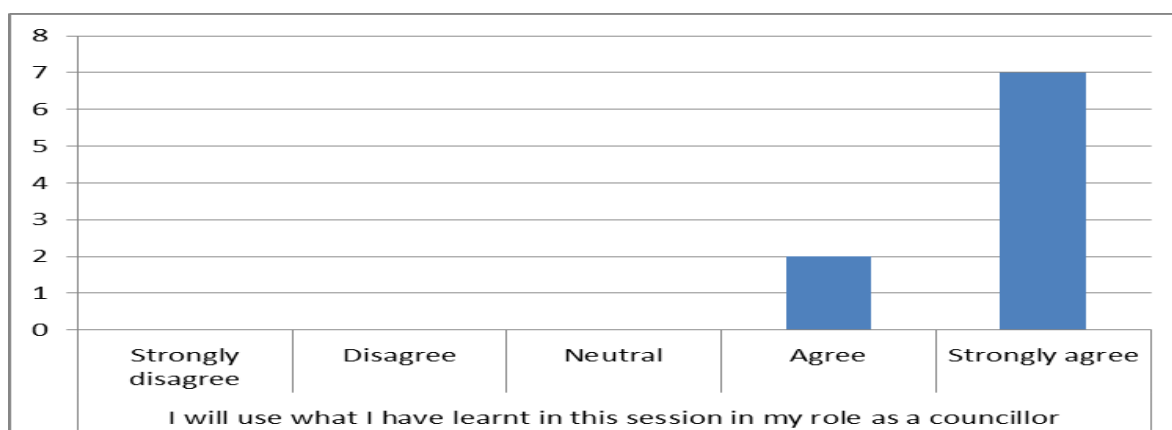
The councillors were then asked their thoughts on the content of the training session itself. They were first asked if the information had been presented in a way that was easy to understand. The responses were:



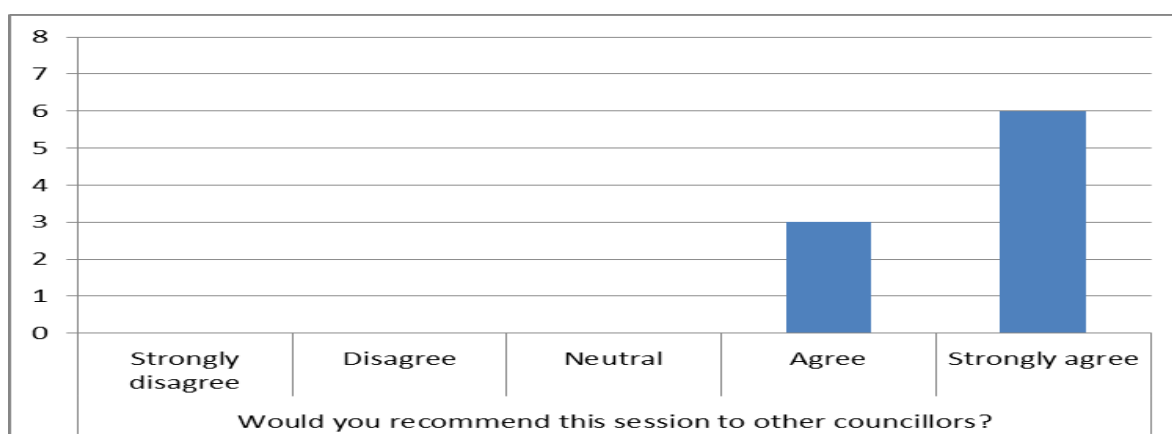
They were then asked if the information presented was useful and will be relevant to them as a councillor. The responses were:



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:

- Examples and role play would be good.
- Opportunity to practise with an audience, role play

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

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