

## **STANDARDS COMMITTEE**

**MONDAY, 6 NOVEMBER 2017**

PRESENT:- Councillors David Wood (Chair), Steve Weisinger (Vice-Chair), Jane Milner-Barry, Teresa Page, Kevin Parry, Eric Shaw, Vera Tomlinson and Joe Tray, Mr Trevor Davies, Mr Mike Compton, Mr Richard Hailstone, Mr Paul Morris and Mr Keith Strickland.

Apologies for absence were received from Councillor Timothy Swinyard 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.

Mr Keith Strickland declared a personal interest in Item 14 – Swindon Independent Remuneration Panel in his capacity as Chair of the Panel, and left the room during discussion of this item.

### **11. Minutes**

Resolved – That the minutes of the meeting held on 17<sup>th</sup> July 2017 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>
8	1 and 2	16

### **14. Swindon Independent Remuneration Panel**

The Committee considered a report from the Director of Law and Democratic Services seeking approval of the appointment of a Lay Representative to serve on the Swindon Independent Remuneration Panel (IRP), and inviting the Committee to review the current role profile of Panel members and the level of allowance paid to them.

Appointment of Lay Representative

The Committee noted that the three year period of Mr Ram Thiagarajah's appointment to the IRP as a Lay Representative ended in October 2017. It was also noted that, since there is no restriction on the re-appointment of members, Mr Thiagarajah had been approached with a view to him continuing to serve on the IRP and that he had advised that he was willing to do so.

#### Panel Member – Role Profile

The Committee was invited to review the Panel Member Role Definition, attached at Appendix 1 to the report, used to assist in the recruitment of panel members. It was noted that the role profile had not been reviewed or updated for some years. To assist with their review, members were invited to compare the Council's role profile with those used by Medway Council and Plymouth City Council, two authorities within the former Audit Commissions 'family grouping' to which Swindon Borough Council belonged, which had been included in Appendix 1.

#### Panel Member – Remuneration

The Committee noted that an annual allowance of £200 is paid to members of the IRP for their service. This amount had remained constant since January 2005, at which time it had been increased from £125 to reflect the additional responsibilities that had been placed on the Panel as a result of the Local Authorities (Members Allowances) (England) Regulations 2003.

The committee observed that the prevalent fiscal and social circumstances in place at the time will affect the nature of each review of members' remunerations levels and, consequently, the time commitment required from Panel members. In view of the potential time commitment required from Panel members, and the period of time since the last review of the allowances paid to them, the Standards Committee was invited to consider whether an increase in the annual allowance paid to IRP members remained appropriate.

In order to assist the Committee, a matrix showing the IRP information provided by the local authorities within the Council's former 'family grouping' was provided for comparative purposes (Appendix 2 to the report). Additionally, the views of the Panel members themselves had been sought. It was noted that the panel members were generally supportive of a review being undertaken. It was also noted that none of the Panel members had asked for an increase in the amount payable.

Following the presentation of this item by the Monitoring Officer, members were given the opportunity to put questions and make observations on the matters raised. These included:

- Whether incremental payments should be paid on top of the existing allowance, to be determined by the number of hours Panel members end up spending on a review.
- General agreement by members of the Committee that there should be an increase to the allowance at this time, and that a system to regularly review the allowance should be introduced.
- Noting that the Basic Allowance (BA) paid to Councillors has been index linked to the percentage increase to officers awarded in the national pay round and whether this should also be applied to the IRP allowance.

- Whether a retrospective 1% increase of £2 per year would reasonably reflect how the allowance may have increased in the last 12 years should it have been reviewed during that time.

Resolved – (1) That the appointment of Mr Ram Thiagarajah as a Lay Representative on the Swindon Independent Remuneration Panel for a further period of three years be approved.

(2) That the current membership of the Independent Remuneration Panel be noted and endorsed.

(3) That the current role profile of the Swindon Independent Remuneration Panel Member (attached to the report at Appendix 1) be endorsed.

(4) That the level of allowance paid to the Swindon Independent Remuneration Panel members be increased to £225 with immediate effect.

(5) That, further to (4) above, the IRP allowance be index linked to any % increase awarded to officers in the national pay round until 2020, at which time the allowance be further reviewed.

## **15. Ethical Framework Update**

The Committee considered a report from the Director of Law and Democratic Services which provided an update on the following matters relating to the Ethical Framework and issues of probity in the Council.

### Dispensations

The Committee noted that no dispensations had been requested by Councillors since the last meeting.

### Summary of Code of Conduct Complaints

The Committee noted the summary of Code of Conduct complaints, set out in paragraph 3.5 of the report.

### The Council's Codes and Protocols

The Committee was invited to consider whether the Council's Various Codes and Protocols remained fit for purpose. No updates were recommended but, in accordance with the Committee's previously utilised review process, the Monitoring Officer was asked to consult on each of the Codes and Protocols with relevant officers, the political groups on the Council, and also with the Parish and Town Councils, and report back to the Standards Committee at its meeting on 15<sup>th</sup> January 2018.

In considering this item, the following matters were discussed:

- How the 'Recording, Photography and use of social media' protocol and guidance document had last been refreshed in May 2015 following legislative changes, and so is considered technologically up-to-date.
- That current Council employees receive a twice yearly update on the ethical framework, and are advised through the Core Brief when there has been any changes to the Codes and Protocols that affect them.
- The internal audit recently undertaken of social media in relation to officers, and how it could be extended to councillors considering the number of Code of Conduct complaints received relating to forums like Facebook.
- The research undertaken by the Council on live-streaming its meetings (which was ultimately determined to be cost-prohibitive).

### Update to the Council's Ethical Audit Self-Assessment

The Committee was invited to review the annual Ethical Audit Desktop Analysis, attached at Appendix 2 to the report. It was agreed that the Desktop Audit should be endorsed without amendment.

Councillor Steve Weisinger, in his capacity as Chair of the Audit Committee, advised members that the whistleblowing process is very successful, and that feedback from cases will be of benefit to the Council in numerous ways.

### Member Training

The Committee noted the details of the training and development events planned for the 2017-18 Municipal Year attached at Appendix 3 to the report. It was also noted that a log of member attendance, and the feedback received from councillors at these events, will be kept and reported to this Committee at a future meeting.

The Monitoring Officer confirmed that he had conducted two training sessions for Parish Councillors since the last meeting of this committee; namely, Code of Conduct on 18<sup>th</sup> September 2017 (9 attended), and Chairing Skills on 27<sup>th</sup> September 2017 (2 attended). A further session on decision-making / governance is planned for 8<sup>th</sup> November 2017.

### Consultation on updating the disqualification criteria for local authority members

The Committee was advised that, on 18<sup>th</sup> September 2017, the Department for Communities and Local Government had published a consultation paper setting out the government's proposals for updating the criteria disqualifying individuals from being elected, or holding office, as a local authority member or directly elected mayor. The proposal, attached at Appendix 4 to the report, is to update the disqualification criteria to include an individual being added to the sex offenders register, being given an Anti-social Behaviour Injunction, and being given a Criminal Behaviour Order. It was further noted that the consultation closes on 8<sup>th</sup> December 2017.

In considering this item, the Committee noted that Civil Injunctions (proposed by the paper as one of the disqualification criteria) are a particular type of injunction which have proven controversial and may require further thought before being used as a criteria because, as they currently stand, they have too broad a definition and are open to being used maliciously.

The Committee agreed that individual member responses would be submitted to the Monitoring Officer by 20<sup>th</sup> November 2017 in order that a draft response to the consultation on behalf of the Committee be created and circulated electronically to members for approval prior to final submission by the 8<sup>th</sup> December 2017.

### Committee on Standards in Public Life

The Committee was advised that the Committee on Standards in Public Life had held a 'horizon scanning' breakfast on 10<sup>th</sup> July 2017 which brought together a range of interested organisations and individuals to look ahead at possible ethical standards issues on the horizon. The discussions had included the role of the Committee, public perceptions of MPs, social media, local government, referendums, and public service providers.

The Committee noted the contents of the minutes from the 'horizon scanning' breakfast, attached at Appendix 5 to the report.

Resolved – (1) That the Ethical Framework Update, including dispensations granted to members of the Borough Council, the Summary of Code of Conduct complaints, the latest position regarding member training and development within the Borough, and the update from the Committee on Standards in Public Life be noted.

(2) That, in order to facilitate the Standards Committee's annual review of the Council's Codes and Protocols, attached at Appendix 1 to the report, the Monitoring Officer be asked to consult on each document with relevant officers, the political groups on the Council, and with Parish and Town Councils, and recommend any valid changes to the Standards Committee at its meeting on 15th January 2018.

(3) That, further to (2) 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.

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

(5) That members of the Committee be invited to submit responses to the consultation on the disqualification criteria for local authority members, as set out in Appendix 4, to the Monitoring Officer by 20<sup>th</sup> November 2017.

(6) That, further to (5) above, the Monitoring Officer, in consultation with the Chair of the Committee, be authorised to submit a response to the consultation on behalf of the Committee, the draft of which to be circulated electronically to members for approval prior to final submission by the 8<sup>th</sup> December 2017.

## **16. Ethical Compliance Report**

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

Resolved – That the Ethical Compliance Report be noted.