

Swindon Borough Council

Standards Committee

Monday, 15 January 2018

Committee Room 6, Civic Offices

At 5.00 p.m.

Councillors

Kevin Parry
Eric Shaw
Timothy Swinyard
Vera Tomlinson
Steve Weisinger (Vice-Chair)
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
(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

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

AGENDA

1. Apologies for Absence

2. Declarations of Interest

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

3. Minutes (Pages 5 - 10)

To receive the minutes of the meeting held on 6th November 2017.

4. **Public Question Time**

Please refer to the explanatory notes below.

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

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

<u>Item No.</u>	<u>Paragraph No.</u>
8	1 and 2

6. **Question and Answer Session - Leader of the Council and Chief Executive** (Pages 11 - 22)

7. **Ethical Framework Update** DLDS (Pages 23 - 36)

8. **Ethical Compliance Report** DLDS (Pages 37 - 40)

Date of despatch: 5 January 2018

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, 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 17th 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 15th 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 18th September 2017 (9 attended), and Chairing Skills on 27th September 2017 (2 attended). A further session on decision-making / governance is planned for 8th November 2017.

Consultation on updating the disqualification criteria for local authority members

The Committee was advised that, on 18th 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 8th 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 20th 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 8th 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 10th 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 20th 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 8th 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.

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

Standards Committee

Date: 15th January 2018

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

1. Purpose and Reasons

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

2. Recommendations

The Committee is recommended to:

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

3. Detail

- 3.1 The Committee includes in its annual work programme a regular opportunity to discuss the ethical governance of the Council with the Leader and Chief Executive.
- 3.2 As is customary, and as background to this discussion, a copy of the latest Ethical Audit Desktop Analysis, completed in November 2017, is attached at Appendix 1. For the information of the Committee, attached at Appendix 2 is an excerpt from the Minutes of the Standards Committee held on 25th January 2017 showing the details of the last Question and Answer Session with the Leader of the Council and the Chief Executive.

4. Alternative Options

- 4.1 No alternative options are presented.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

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

Legal and Human Rights Implications

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

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

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

Standards Committee

Date: 15th January 2018

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

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

Diversity Impact Assessment

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

Risk Management

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

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 – Ethical Audit Desktop Analysis – November 2017.
- 8.2 Appendix 2 – Excerpt from the Minutes of the Standards Committee held on 25th January 2017.

Ethical Audit Desktop Analysis
Matrix of Key Information held by Swindon Borough Council
November 2017

	Key Information	Held	Current position, including action taken since the last review in November 2016	Area of review or action to be identified by the Standards Committee
1	Constitutions / Current Decision Making Framework	Yes	<p>The Constitution is reviewed and updated at least annually, and was last adopted in May 2017.</p> <p>The Constitution's operation is monitored by the Council's Monitoring Officer, and also by the Corporate Governance Review Working Group whose recommendations feed into the review process.</p> <p>The Council's Audit Committee was first established in May 2006 and continues to operate effectively. It receives assurances from the Standards Committee in relation to matters of internal control such as the operation of the Whistleblowing Policy.</p> <p>The Annual Audit Letter summarises the key findings arising from the work carried out by the External Auditor. The Annual Audit Letter for 2016/17 confirmed unqualified opinions for the year ended 31 March 2017 in relation to the Council's financial statements and its VFM conclusion in relation to the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources.</p>	
2	Procedural Standing Orders	Yes	Updated in Constitution – May 2017	
3	Contracts Standing Orders	Yes	Updated in Constitution – May 2017	

	Key Information	Held	Current position, including action taken since the last review in November 2016	Area of review or action to be identified by the Standards Committee
4	Employees' Code Of Conduct	Yes	<p>Following consultation with Council employees and unions, the Employee Code of Conduct was initially approved by the Standards Committee in July 2006. The Code of Conduct is issued to all Council employees, who are required to sign to confirm that they have read and will act in accordance with the Code.</p> <p>The Code of Conduct is intended to:</p> <ul style="list-style-type: none"> • help officers to understand how they can fulfil their ethical obligations in performing their role. • set clear expectations for their conduct as a public employee in the Council. • provide guidance to help them deal properly with ethical issues they might encounter in their work. <p>The Code is submitted to Council annually for approval. It was approved at the Annual Council meeting in May 2017.</p>	
5	Members' Code Of Conduct	Yes	<p>The new Members Code of Conduct was adopted in June 2012, taking effect on 1 July 2012, under the Localism Act 2011. The Code is reviewed annually. It was last reviewed in January 2017 and was subsequently adopted at the Annual Council meeting in May 2017.</p> <p>Procedures for determining complaints against councillors were the subject of review during the 2013/14 and 2014/15 Municipal Years. A number of changes to the "Arrangements for dealing with member Code of Conduct complaints" were agreed by Standards Committee at its meeting on 21 July 2014 and these were incorporated into the process.</p>	

	Key Information	Held	Current position, including action taken since the last review in November 2016	Area of review or action to be identified by the Standards Committee
			The Monitoring Officer has provided guidance and training on the Members Code of Conduct to Officers and Members, together with Parish Clerks and Parish Councillors. Refresher training is also regularly provided.	
6	Confidential Reporting Procedure	Yes	<p>The Whistleblowing Policy was first approved in November 2001. It is reviewed on a regular basis to ensure that it complies with legislation and best practice.</p> <p>The approved Whistleblowing Policy is publicised through staff communications, including the Core Brief, Manager Bulletin and other publications as appropriate, and also via Team Briefings.</p> <p>Complaints received are investigated and the outcomes reported to the Standards Committee.</p> <p>In September 2005, the Committee approved the Council's subscription to the Public Concern at Work Helpline to provide a formal method of confidential reporting for staff who do not feel able to raise issues directly with the Council. The Council has maintained this provision, but also makes available the following support via a contract with Care First, the Council's employee assistance programme:</p> <ul style="list-style-type: none"> • An advice and information service • A counselling service • On-line information • A manager support service 	

	Key Information	Held	Current position, including action taken since the last review in November 2016	Area of review or action to be identified by the Standards Committee
7	Terms Of Reference of the Standards Committee	Yes	The current Standards Committee was established in July 2012, under the terms of the Localism Act 2011, giving Councils the option of whether to retain a Standards Committee or nominate another Committee to oversee the determination of Code of Conduct complaints. The Borough Council's Standards Committee retained much of its extended terms of reference, beyond the determination of complaints, in particular in relation to its monitoring of Anti-Fraud and Corruption Strategy and Whistleblowing Complaints.	
8	Scheme Of Delegation	Yes	The Constitution was updated in the early part of the current Municipal Year and was subsequently approved as part of the 2017/2018 Constitution at the meeting of Annual Council in May 2017.	
9	Members' Register Of Interests	Yes	Held on file and on the Council's website. Regular reminders are issued. In accordance with the requirements of the Localism Act, the Council also now publishes Register of Interest forms for all Parish Councillors in the Borough Area.	
10	Recorded Declaration Of Interests	Yes	Interests are recorded at meetings and are recorded on the website.	
11	Members' Induction Process	Yes	All new Councillors are provided with a comprehensive induction programme in relation to the ethical framework and the decision-making process, as well as service specific issues. Attendance at the induction programme is monitored to ensure all new members are properly inducted.	

	Key Information	Held	Current position, including action taken since the last review in November 2016	Area of review or action to be identified by the Standards Committee
			New Councillors elected in by-elections attend induction training following their election.	
12	Officers' Induction Process	Yes	<p>A corporate induction process is in place and departmental induction processes are also in place.</p> <p>Reference is included in the Officers' Induction Process to the ethical framework. During staff induction, it is checked that staff have received a copy of the Code of Conduct (which they usually have with their contracts) and they are reminded that it is their responsibility to read it and speak with their manager if they have any concerns. Staff are also advised of the disclosure of gifts requirements, and are also advised to contact their managers with any concerns regarding this, or any special arrangements made (for example, working in a care home at Christmas where people may buy them lots of gifts/goodies).</p> <p>It is the responsibility of managers to enforce the Code of Conduct and ethics and probity issues with staff.</p> <p>The Monitoring Officer liaises with the Head of People, Performance and Engagement on evaluating the implementation across departments of training on the ethical framework within the Officers' Induction Programme and on the monitoring of the officer induction process.</p>	
13	Members' Continuing Development and Training	Yes	A range of development / training opportunities are offered and a record of attendance kept.	

	Key Information	Held	Current position, including action taken since the last review in November 2016	Area of review or action to be identified by the Standards Committee
			Training for Councillors is facilitated by Committee and Member Services, in consultation with a cross-party Member Development Advisory Group. This agrees the programme for training at the beginning of each year and monitors the success of each course and the uptake from Councillors.	
14	Officers' Continuing Development	Yes	The Council's behaviour framework sets out the values and behaviours expected from officers and members. This currently forms part of the annual appraisal in place across the Council, and identifies development needs and provides structured options to accessing appropriate training.	
15	Officers' Training	Yes	The Council has launched an online Learning & Development resource (E-Zone), which provides practical learning and development materials. It includes mandatory E-learning modules as well as a number of useful resources to support staff. Information about available courses is accessed via ESS (Employee Self-Serve) and bookings can also be made through ESS.	
16	Other Council Specific Additional Codes And Protocols	Yes	<p><u>Monitoring Officer Protocol</u> - last reviewed and updated in January 2017. Approved by the Council at its Annual Meeting in May 2017.</p> <p><u>Guidance to Councillors on Dealing with the Media</u> – first adopted February 2002, and last reviewed and updated in January 2017. Approved by the Council at its Annual Meeting in May 2017.</p> <p><u>Protocol on Member / Officer Relations</u> - introduced September 2002, and last reviewed and updated in</p>	

	Key Information	Held	Current position, including action taken since the last review in November 2016	Area of review or action to be identified by the Standards Committee
			<p>January 2017. Approved by the Council at its Annual Meeting in May 2017.</p> <p><u>Members' Planning Code of Good Practice</u> – first adopted February 2004, and last reviewed and updated in January 2017. Approved by the Council at its Annual Meeting in May 2017.</p> <p><u>Anti-Fraud and Bribery Strategy</u> – adopted November 2001 and regularly reviewed and updated. The strategy sets out best practice and complies with relevant legislation. A Fraud Response plan was developed by Internal Audit at the same time to assist managers in knowing how to deal with allegations of wrongdoing.</p> <p>The outcome of investigations are reported to the Standards Committee.</p> <p>A Swindon Internal Audit Services Bulletin is issued to Members and Officers approximately twice a year to promote fraud awareness by communicating information on frauds elsewhere to officers and Members, and enabling similar frauds to be prevented.</p>	

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STANDARDS COMMITTEE**WEDNESDAY, 25 JANUARY 2017****21. Question and Answer Session - Leader of the Council and Chief Executive**

Councillor David Renard, the Leader of the Council, and John Gilbert, the Chief Executive, were in attendance to report to the Committee on matters relating to the Council's ethical governance framework and issues of probity, particularly the Authority's approach to ethical governance and its key priorities in ensuring that high ethical standards continue to be promoted and maintained within the Council.

At the invitation of the Chair, Councillor Renard addressed the meeting on the efficacy of the Council's ethical framework and its embedding within the organisation as an easily recognised platform for member behaviours when representing the Authority. It was his view that the framework continued to work well and, referring to issues raised at his last meeting with the Standards Committee, he commented on the enhanced opportunities for staff to provide feedback to members and senior management on issues of concern and interest, these including regular officer forums and a variety of staff engagement events. Councillor Renard remarked that these events had also provided an opportunity to provide information to staff, on a "face to face" basis, relating to the Council Vision and its priorities and other corporate issues. He made specific reference to the use of such forums and staff events to facilitate the ongoing consultation regarding car parking provision and mileage allowances and also the opportunity for engagement with the trade unions on corporate issues via the regular Council Joint Consultative Committee meetings.

Councillor Renard assured the meeting that he and his Cabinet colleagues were supportive of officers and their work and referred to the relationships and interactions between members and officers, which he felt remained generally positive, with a high degree of respect and professionalism and co-operation evident on both sides.

The Chief Executive also remarked on the enhanced opportunities for staff to provide feedback to members and senior management, specifically referring to engagement with heads of service and section managers to provide updates and facilitate information exchange on any number of issues via the newly-instated regular meetings of the Extended Management Team (EMT) and Wider Management Team (WMT). He advised that it was a purpose of these meetings to establish an environment that would allow officers to contribute to the Council's change agenda and help identify areas where service improvements might be made. He referred to the transformation work being undertaken and the variety of transformation programmes that had been established, each sponsored by a Director, and advised that he, himself, was sponsoring a leadership and management training module aimed at expanding managers' knowledge of corporate culture and ethics, both from a leadership management perspective and also the opportunities for individual staff members to be involved in the process.

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

- The pending review of the composition of the Corporate Management Team, following the recent appointment of the Corporate Director Transformation and Resources, 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.

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

Ethical Framework Update

Standards Committee

Date: 15th January 2018

Author: Director of Law and Democratic Services

Wards: All

Parishes Affected: All

1. Purpose and Reasons

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

2. Recommendations

The Committee is recommended to:

- 2.1 Note 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 response to the Department for Communities and Local Government consultation on updating the disqualification criteria for local authority members.
- 2.2 Note and endorse the appointment of Ms Wendy Hall MBE, as a representative of the Voluntary / Community Sector, on the Independent Remuneration Panel on Councillors' Allowances, until such time as a replacement can be appointed.
- 2.3 Consider the effectiveness of the Council's existing Codes and Protocols, in light of any submissions received following consultation, and determine whether any changes are required to ensure these remain fit for purpose.
- 2.4 Authorise the Monitoring Officer to conduct the appointment of Independent Persons as set out in the report.

3. Detail

Dispensations

- 3.1 Section 33 of the Localism Act 2011 enables members who consider that they may have a disclosable pecuniary interest to apply for a dispensation to allow them to speak and vote. Any dispensation granted under section 33 of the Localism Act 2011 must specify the period for which it has effect, and the period specified may not exceed four years.
- 3.2 At its meeting on 7th November 2016, the Standards Committee authorised the 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.

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

Ethical Framework Update

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3.3 Also at its meeting on 7th 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.

Summary of Code of Conduct Complaints

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

Year	Complaints	No Further Action	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
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	5	5	0	3	0	0	0

Member Training

3.6 Attached at Appendix 1 are the details of the training and development events planned for the 2017-18 Municipal Year. 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.

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

Ethical Framework Update

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- 3.7 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 Code of Conduct, Chaining Skills and decision-making. Borough Councillors who are also parish councillors attend. A log of attendance at these events are kept and regularly reported back to this Committee.
- 3.8 The Monitoring Officer has conducted one decision-making training session for parish councillors since the last meeting of this committee on 8th November 2017 (5 attended).

Membership of the Independent Remuneration Panel

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

Member	Capacity	Term of Office	Expiry date
Mr Keith Strickland (Chair)	Lay Member	3 years	March 2020
Mr Ram Thiagarajah	Lay Member	3 years	November 2020
Mr David Body	Lay Member	3 years	October 2019
Mr John Dernie	Business Sector Representative	4 years	April 2018
Ms Wendy Hall MBE	Voluntary / Community Sector Representative	4 years	February 2018
Mr Gus Strang	Education Sector Representative	4 years	October 2019

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

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- 3.12 Ms Wendy Hall MBE was nominated as the Voluntary / Community Sector Representative to the IRP in February 2002, and has remained as a member of the Panel since that time. It is Ms Hall's intention to step down from the Panel as she no longer represents the Voluntary / Community Sector.
- 3.13 In view of her experience and commitment, the Committee is asked to endorse the continued appointment of Ms Hall as the Voluntary / Community Sector Representative to the IRP until such time as a replacement can be appointed from this sector. The recruitment process will commence with immediate effect, and this Committee will be asked to endorse any new representative at a future meeting.

Consideration of any recommended updates to Codes and Protocols

- 3.14 The Standards Committee annually reviews the Council's Codes and Protocols to ensure that these remain appropriate and up to date. At its meeting on 6th November 2017, members' views were sought regarding the effectiveness of the Codes and Protocols, and whether changes were required to ensure these remain fit for purpose.
- 3.15 The Committee resolved that, in order to facilitate the Standards Committee's consideration of the Council's Codes and Protocols, and in line with the procedure utilised for previous reviews, the Monitoring Officer would consult on the Codes and Protocols and recommend any valid changes to the Standards Committee at its meeting on 15th January 2018.
- 3.16 Copies of the Codes and Protocols listed below were circulated to members of the Standards Committee with the agenda for the meeting on 6th November 2017. These are also contained within the Council's Constitution, and can be inspected on the website. Further copies can be provided via Committee and Member Services on request.
- Members' Code of Conduct
 - Officers' Code of Conduct
 - Monitoring Officer Protocol
 - Councillor Role Definitions
 - Media Guidelines for Councillors
 - Protocol for Member / Officer Relationships
 - Members Code of Good Planning Practice
 - Local Code of Corporate Governance
 - Recording, Photography and use of social media protocol and guidance
 - Public Question Time at Council meetings Protocol and Guidance
 - The Whistleblowing Policy

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

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3.17 In accordance with the Committee's instruction, a consultation process commenced in November 2017. The following were consulted, with responses requested by 2nd January 2018:

- All Parish and Town Councils.
- The Political Groups on the Council (via the Political Assistants and Councillor Stan Pajak (on behalf of the Liberal Democrat Group)).
- Corporate Directors and Heads of Service.

3.18 There has been one response to the consultation as follows:

3.18.1 The Change Manager for Equality and Diversity has queried if, given the recent allegations surrounding Westminster, the Members' Code of Conduct could include a specific reference to use of power / recognition of power and inappropriate conduct (sexual or otherwise). It is perhaps already covered under section 3.2 and section 5, but could be made more explicit.

3.19 Members of this Committee were also invited to submit the details of any particular issues that they would wish to be considered as part of the review of the Codes and Protocols. No submissions have been received.

3.20 There are no matters that the Monitoring Officer wishes to raise at this time.

Membership of the Standards Committee – Independent Persons

3.21 It was agreed at the Council meeting on 6th June 2014 that the term of office of Mr Paul Morris, an Independent Person appointed to the Standards Committee, be extended for a further period of four years. It was also agreed at that meeting that Mr Keith Strickland be appointed as an Independent Person to the Standards Committee for a four year term.

3.22 Consequently, the appointment of the Independent Persons will need to be reviewed and appointments made at the Annual Council meeting in May 2018.

3.23 In order to progress the appointment of Independent Persons, as required under Section 28 of the Localism Act 2011, the Standards Committee is invited to authorise the Monitoring Officer to advertise the vacancies and conduct the appointments process in accordance with the previously agreed appointment process, as referred to in paragraph 3.24 below.

3.24 The current agreed process for the appointment of Independent Persons following receipt of applications is that the Monitoring Officer will circulate those applications to the Group Leaders for comment, following which a short list will be drawn up by the Monitoring Officer and interviews held. The Monitoring Officer

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

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will then recommend the appointment of the Independent Persons to the Annual Meeting of the Council on 18th May 2018.

- 3.25 It is suggested that the appointment not be held for an indeterminate duration. Therefore, it is recommended that the Independent Persons be appointed to hold the position for a period of four years, in line with the current agreed process.

The Role of the Independent Person - Workshop

- 3.26 Hoey Ainscough Associates Ltd are conducting a series of half-day workshops, at various venues throughout the country, on the role of the Independent Person (IP). The events, for IPs and those who work on standards issues, are a unique opportunity to explore the role in depth, discuss key developments through the year, and share experiences with other IPs and officers from across the country.
- 3.27 This year's workshop will build on previous ones by continuing to explore in depth the role that IPs play in supporting authorities in case handling, looking at issues that have come up in the last twelve months, and discussing and sharing best practice.
- 3.28 Both the Council's Independent Persons were invited to attend one of the events but, due to their length of service and the level of expertise and knowledge they hold, it was not deemed necessary for them to attend.

Consultation on updating the disqualification criteria for local authority members

- 3.29 At its meeting on 6th November 2017, the Standards Committee considered a consultation paper, published by the Department for Communities and Local Government on 18th September 2017, setting out the Government's proposals 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.
- 3.30 The Committee agreed that individual member responses would be submitted to the Monitoring Officer by 20th November 2017 in order that a response to the consultation on behalf of the Committee be created for final submission by the 8th December 2017. The submission on behalf of Swindon Borough Council is attached at Appendix 2 for members to note.

4. Alternative Options

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

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

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 – Details of the training and development events planned for the 2017-18 Municipal Year
- 8.2 Appendix 2 – Consultation response to the Department for Communities and Local Government on updating the disqualification criteria for local authority members.

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

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Corporate Training and Development Programme for Councillors 2017/2018 (Note: service areas will organise service specific training in addition to the below)		
Dates	Subject	Facilitator
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
18 September 2017 6.00pm Committee Room 6	Code of Conduct	Stephen Taylor, Director of Law and Democratic Services
27 September 2017 6.00pm Committee Room 2	Chairing Skills	Stephen Taylor, Director of Law and Democratic Services
16 October 2017 6.00pm Committee Room 6	Media Skills Awareness	David McGrath, Link Support Services UK Ltd
8 November 2017 6.00pm Committee Room 1	Decision Making / Governance	Stephen Taylor, Director of Law and Democratic Services

29 January 2018 6.00pm Committee Room 6	Equalities and Inclusion – what are the responsibilities of elected members?	Nick Stephenson, Change Lead: Equality & Diversity
20 September 2017 15 November 2017 21 February 2018 16 May 2018 All at 11.30am Waterside Park	Visit to Waterside Recycling Centre	Lance Greenhalgh, Head of Depot Operations
TBC	Understanding the Capital Budget	Paul Smith, Head of Technical Finance
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	Dorinda Dodson, One Stop Shop Team Leader and Amalia Morris, Customer Feedback and Insight Officer

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):

2018
21 February
27 February

Online Modules

- Data Protection.
- Equality and Diversity.
- Fraud Awareness.

- Freedom of Information.
- Information Security.
- Child Sexual Exploitation.

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**Response on behalf of Swindon Borough Council to the Consultation Paper
'Disqualification Criteria for Councillors and Mayors'**

Swindon Borough Council is a Unitary Authority and has 57 councillors. It operates the Cabinet system. The Borough Council's submissions to the specified questions are as follows:

Q1 – Do you agree that an individual who is [on the sex offenders register] should be prohibited from standing for election or holding office as a member of a local authority.

Response – It is arguable that as this would be a matter of public record, then this enables the electorate to make their own judgment. Also, whereas section 80 refers to a sentence of imprisonment of not less than 3 months (suspended or not) as a criteria for disqualification, question 1 would include someone who had received a conditional discharge with no sentence of imprisonment at all. This may be considered disproportionate. Nevertheless, on balance, and in view of the Council being a 'corporate parent' in our case, the Borough Council would agree with the proposition.

Q2 – Do you agree that an individual subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office as a member of a local authority.

Response – Yes because the individual has not been convicted or cautioned.

Q3 – Do you agree that an individual who has been issued with a Civil Injunction or a Criminal Behaviour Order should be prohibited from standing for election or holding office as a member of a local authority.

Response – No. A civil injunction can be applied for by a local authority or the chief police officer for an area, among other bodies. The individual does not need to have committed an offence to be subject to an injunction, and it can last indefinitely. Only one witness statement is required, and hearsay evidence may be relied on. For an injunction to be granted, a court only has to be satisfied that on the balance of probabilities the person has engaged or threatens to engage in anti-social behaviour. The court does not have to be satisfied "beyond reasonable doubt". The Borough Council considers that if a person is to be disqualified from office, this should only be following a conviction and where the criminal burden of proof has been satisfied. Accordingly, the Borough Council does not consider that the use of a Dispersal Power, a Community Protection Notice, a Public Spaces Protection Order, or a Closure Power should prohibit an individual from standing for election or holding office as a member of a local authority.

So far as a Criminal Behaviour Order is concerned, the Borough Council considers that a conviction should only prohibit an individual from standing for election or holding office as a member of a local authority where the current criteria set out in Section 80 has been met.

Q4 – Do you agree that being subject to a Civil Injunction or a Criminal Behaviour order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election or holding office as a member of a local authority.

Response – Please see response to Q3 above.

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

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