

Swindon Borough Council

Standards Committee

Monday, 21 January 2019

Committee Room 6, Civic Offices

At 5.00 p.m.

Councillors

Kevin Parry
Fionuala Foley
Vera Tomlinson (Vice-Chair)
Steve Weisinger
Caryl Sydney-Smith (Deputy)
(Conservative)

Teresa Page (Chair)
(Independent)

Steph Exell
Janine Howarth
Jane Milner-Barry
(Labour)

Stan Pajak
(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, 07980 752043, vyull@swindon.gov.uk

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

AGENDA

PART 1 (PUBLIC ITEMS)

1. Apologies for Absence

2. Declarations of Interest

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

3. Minutes (Pages 5 - 8)

To receive the minutes of the meeting held on 2nd July 2018.

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 9 - 12)

7. Ethical Framework Update (Pages 13 - 28)

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

8. Ethical Compliance Report (Pages 29 - 32)

Date of despatch: 11 January 2019

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, 2 JULY 2018

PRESENT:- Councillor Teresa Page (Chair), Councillors Janine Howarth, Jane Milner-Barry, Stan Pajak, Kevin Parry, Maureen Penny, Caryl Sydney-Smith (Deputy), and Vera Tomlinson and Mr Trevor Davies, Mr Mick Compton and Mr Richard Hailstone.

Apologies for absence were received from Councillors Stephanie Exell and Steve Weisinger, and Mr David Dawson, Mr Paul Morris and Mr Keith Strickland.

1. Appointment of Vice-Chair

Resolved - That Councillor Vera Tomlinson be Vice-Chair of the Standards Committee for the Municipal Year 2018/19.

2. Declarations of Interest

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

3. Minutes

Resolved – That the minutes of the meeting held on 27th March 2018 be confirmed and signed as a correct record.

4. Public Question Time

There were no public questions.

5. 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 it involves 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	9

6. Standards Committee Annual Report

The Committee was asked to consider its Draft Annual Report for 2017/18 which provided a record of the work of the Standards Committee for the period 1st June 2017 to 31st May 2018.

In response to a question by Councillor Maureen Penny, it was noted that the Council's Members' Code of Conduct was reviewed annually by the Standards Committee before being submitted to the Annual Council meeting to be accepted. It was agreed that, where the Code of Conduct is referenced in the Annual report, the date of the last review of the Code be included.

Members commented on the significant rise in the number of Code of Conduct complaints received in 2017/18. The Director of Law and Democratic Services explained that this was due, almost entirely, to a high number of complaints that had been submitted in respect of the same incident, citing the conduct of several Parish Councillors in the Parish Council's determination of a matter.

Councillor Haworth noted an apparent disparity in the information in Annual Report and the Ethical Update report regarding the period of dispensations granted to members to allow them to speak and vote on the subject matter of Council Tax. The Director of Law and Democratic Services confirmed that the information in the Annual report was correct.

Resolved – (1) That the Draft Standards Committee Annual Report 2016/17, attached at Appendix 1 to the report, be agreed.

(2) That the Director of Law and Democratic Services be authorised to finalise the Annual report for publication on the Council's website.

7. Annual Work Programme

The Committee considered a report of the Director of Law and Democratic Services inviting the Committee to agree its Work Programme for the 2017/2018 Municipal Year.

Resolved – (1) That the Committee's draft Work Programme for 2017/2018, as attached at Appendix 1 to the report, be agreed.

(2) That it be noted that the proposed work programme was sufficiently flexible to accommodate any unforeseen matters that might arise in relation to the Council's Ethical Framework.

8. 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 Standards Committee – Parish Representatives
- The Independent Persons
- Draft Annual Governance Statement
- Membership of the Independent Remuneration Panel
- Summary of Code of Conduct Complaints
- Member Training
- Register of Interests
- Committee on Standards in Public Life

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

(2) That the draft Annual Governance Statement, attached at Appendix 1 to the

report, be approved to be signed off by the Leader and Chief Executive.

(3) That the appointment of Ms Michelle Howard as a representative of the Voluntary and Community Sector on the Independent Remuneration Panel on Councillors' Allowances for a period of four years, ending in July 2022, be endorsed.

9. 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, breaches of the Member / Officer Protocol, and Code of Conduct complaints 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: 21st January 2019

Author: Interim Director of Law

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 Members are asked to refer to the draft Ethical Audit Desktop Analysis, attached at Appendix 2 to the Ethical Framework Update report later in the agenda, when considering discussion items. For the information of the Committee, attached at Appendix 1 is an excerpt from the Minutes of the Standards Committee held on 15th January 2018 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.
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Further information on the subject of this report can be obtained from Vicki Yull, 01793 463603, vyull@swindon.gov.uk.

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

Standards Committee

Date: 21st January 2019

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 None.

7. Background Papers

- 7.1 None.

8. Appendices

- 8.1 Appendix 1 – Excerpt from the Minutes of the Standards Committee held on 15th January 2018.

STANDARDS COMMITTEE

MONDAY, 15 JANUARY 2018

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

Councillor David Renard, the Leader of the Council, and Mr 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 and stated his belief that standards issues within the Council are well monitored. It was his view that the Council has been operating effectively in terms of the number of code of conduct complaints that had been submitted over the last year, and that the small number of complaints taken forward for investigation was evidence that the Council is quite effective in promoting and maintaining the highest standards of conduct amongst its members. Councillor Renard also referred to the Council's regular review of its various codes and protocols to ensure that these remain effective and fit for purpose.

The Chief Executive remarked on the development of the Swindon Programme and its associated work streams, and highlighted the important role of various staff forums to disseminate information regarding the change programme. He also referred to the launch of the Aspiring Leaders and Future Leaders programmes which he felt would help to enhance the development offer for Council employees and also ensure the continuing high quality of performance and responsiveness of the Council's organisational structure.

Following their opening remarks, members were given the opportunity to put questions to the Leader and Chief Executive. In response to questions, members were advised that, with regard to members' previously expressed comments, the Monitoring Officer and Section 151 Officer continued to attend Corporate Management Team (CMT) meetings and that it was also likely that the Council's Communications Manager might also be invited to attend CMT meetings to better position that group to address issues arising from the recent peer review around communications. The Chief Executive reported that, following organisational changes made to the Council's senior management, the newly-appointed Director for Communities and Housing would be joining the Council in February 2018.

The Chief Executive also referred to the outcome of the Community Governance Review and the establishment of several new Parish Councils and confirmed that, as with the existing parishes, the Monitoring Officer had provided guidance and training for new Parish Councillors matters of conduct.

Resolved – That Councillor David Renard, the Leader of the Council, and Mr John Gilbert, 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: 21st January 2019

Author: Interim Director of Law

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 changes to the Chief Executive Reporting Structure.
- 2.2 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.
- 2.3 Review the Ethical Audit Desktop Analysis attached at Appendix 2 and, subject to any comments from members, endorse its contents.
- 2.4 Consider whether to continue the Council's subscription to the 'Protect' service.

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.
- 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

Further information on the subject of this report can be obtained from Vicki Yull, 01793 463003, vyull@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 21st January 2019

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	36	27	8	4	TBC	TBC	1
2018/19	1	1	0	0	0	0	0

Member Training

- 3.6 Attached at Appendix 1 are the details of the training and development events planned for the 2018-19 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.
- 3.7 The Committee is reminded that a number of sessions have been held by the Monitoring Officer to train parish councillors on the Code of Conduct, Chairing

Further information on the subject of this report can be obtained from Vicki Yull, 01793 463003, vyull@swindon.gov.uk.

Ethical Framework Update

Standards Committee

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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 conducted one Code of Conduct session for parish councillors since the last meeting of this committee on 2nd July 2018 (17 attended from 5 parishes).

Consideration of any recommended updates to Codes and Protocols

- 3.9 The Standards Committee annually reviews the Council's Codes and Protocols to ensure that these remain appropriate and up to date.
- 3.10 Copies of the Codes and Protocols listed below are contained within the Council's Constitution, and can be inspected on the website as Appendix 2 to this report. Copies can be provided via Committee and Member Services on request.
- Members' Code of Conduct
 - Officers' Code of Conduct
 - Monitoring Officer Protocol
 - Councillor Role Definitions
 - Media Guidelines for Councillors
 - Protocol for Member / Officer Relationships
 - Members Code of Good Planning Practice
 - Local Code of Corporate Governance
 - Recording, Photography and use of social media protocol and guidance
 - Public Question Time at Council meetings Protocol and Guidance
 - The Whistleblowing Policy
- 3.11 In line with the procedure utilised for previous reviews, and in order to facilitate the Committee's consideration of this matter, the Council's Codes and Protocols were distributed for consultation in December 2018. The following were consulted, with responses requested by the date of this meeting:
- 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.
- 3.12 There have been no responses to the consultation prior to this report being published. Any submissions received after this date will be reported verbally at the meeting.

Further information on the subject of this report can be obtained from Vicki Yull, 01793 463003, vyull@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 21st January 2019

- 3.13 There are no matters that the Interim Monitoring Officer wishes to raise at this time.

Update to the Council's Ethical Audit Self-Assessment

- 3.14 The Committee last reviewed the Desktop Ethical Audit at its meeting on 7th November 2016. It has previously been agreed that this should be updated on a regular basis.
- 3.15 The latest Desktop Ethical Audit is attached at Appendix 2 for the Committee to review and endorse.

Changes to Chief Executive Reporting Structure

- 3.16 The Special Committee, at its meeting on 25th October 2018, agreed that the post of Director of Law and Democratic Services be made redundant, with effect from 31st October 2018. This post also held the statutory roles of Returning Officer, Electoral Registration Officer and Monitoring Officer.
- 3.17 Under Section 5 of the Local Government and Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer. Neither the Head of Paid Service (Chief Executive) nor the Chief Finance Officer (Director of Finance and Resources) can hold the position of Monitoring Officer. Although many councils appoint their most senior legal officer as their Monitoring Officer, this is not a specific requirement.
- 3.18 Council, at its meeting on 8th November 2018, agreed that the Interim Director of Law be appointed as the Council's Monitoring Officer until such time as a permanent Head of Legal Services (Monitoring Officer) is appointed.
- 3.19 The Standards Committee is asked to note the revised organisational arrangements.

Council subscription to 'Protect' (formerly 'Public Concern at Work')

- 3.20 The Council has subscribed to Protect (formerly known as Public Concern at Work) for a number of years. This organisation is a whistleblowing charity established in 1993. Protect provides confidential, independent advice to individuals with whistleblowing issues at work, supports organisations with their whistleblowing arrangements and informs public policy and seeks legislative change. The cost to the Council of the 2019 subscription is £1,310 (exc. VAT).
- 3.21 Due to the nature of the service provision Protect do not provide any information as to how often their service has been used by Swindon Borough Council employees.
- 3.22 Members are requested to consider whether they wish to continue subscribing to this service.

Further information on the subject of this report can be obtained from Vicki Yull, 01793 463003, vyull@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 21st January 2019

4. Alternative Options

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

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Any financial or procurement implications will be contained within the existing budget.

Legal and Human Rights Implications

- 5.2 The legal and human rights implications, where applicable, are set out in the body of the report.

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

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

Diversity Impact Assessment

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

Risk Management

- 5.5 A risk assessment has not been completed in relation 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 None.

7. Background Papers

- 7.1 None.

8. Appendices

- 8.1 Appendix 1 – Details of the training and development events planned for the 2018-19 Municipal Year.

- 8.2 Appendix 2 – Codes and Protocols (which can be found on the Council's website at

Further information on the subject of this report can be obtained from Vicki Yull, 01793 463003, vyull@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 21st January 2019

<http://ww5.swindon.gov.uk/moderngov/ieListDocuments.aspx?CId=282&MId=9603&Ver=4>)

8.3 Appendix 3 – Ethical Audit Desktop Analysis.

Proposed Corporate Training and Development Programme for Councillors 2018/2019 (Note: service areas will organise service specific training in addition to the below)		
Dates	Subject	Facilitator
21 May 2018 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
22 May 2018 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
23 May 2018 6.00pm Committee Room 6	Education Transport Appeals Sub-Committee	Hannah Cole, School Admissions Manager
6 June 2018 6.00pm Committee Room 6	Chairing Skills	Stephen Taylor, Director of Law and Democratic Services
15 October 2018 6.00pm Committee Room 6	Finance for Members	Paul Smith, Head of Finance
23 October 2018 6.00pm Committee Room 6	Code of Conduct	Stephen Taylor, Director of Law and Democratic Services
24 October 2018 6.00pm Committee Room 6	Information Security Training (including changes to the Data Protection Act)	Stephen Maskell, Information Governance Manager
14 November 2018 6.00pm Committee Room 6	Decision Making / Governance	Stephen Taylor, Director of Law and Democratic Services
28 January 2018 6.00pm Committee Room 6	Equalities and Inclusion – what are the responsibilities of elected members?	Nick Stephenson, Change Lead: Equality & Diversity
TBC if required	Responsibilities of councillors appointed by the council to the boards of outside bodies	Kehinde Awojobi, Head of Conveyancing, Environment and Contracts

Training session provided at each meeting	Corporate Parenting Advisory Board	Director of Children's Services
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External providers

Members are invited to apply to attend external events and conferences, and attendance is approved through a Cabinet Member Briefing Note.

EZone Modules

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

Ethical Audit Desktop Analysis
Matrix of Key Information held by Swindon Borough Council
January 2019

	Key Information	Held	Current position, including action taken since the last review in November 2017	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 2018.</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 2017/18 confirmed unqualified opinions for the year ended 31 March 2018 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 2018	
3	Contracts Standing Orders	Yes	Updated in Constitution – May 2018	

	Key Information	Held	Current position, including action taken since the last review in November 2017	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 available to all Council employees on the intranet, who are required to read and abide by it.</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 2018.</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 2018 and was subsequently adopted at the Annual Council meeting in May 2018.</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 2017	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 Members, together with Parish Clerks and Parish Councillors.	
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.</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 (now known as 'Protect') 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 	Committee is being asked to consider continuing the subscription.
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	

	Key Information	Held	Current position, including action taken since the last review in November 2017	Area of review or action to be identified by the Standards Committee
			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 Scheme of Delegations was reviewed and updated early in 2018. The revised scheme was included in the 2018/2019 Constitution approved at the Annual Council meeting in May 2018.	
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. New Councillors elected in by-elections attend induction training following their election.	

	Key Information	Held	Current position, including action taken since the last review in November 2017	Area of review or action to be identified by the Standards Committee
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 are aware of the Code of Conduct, 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>	
13	Members' Continuing Development and Training	Yes	<p>A range of development / training opportunities are offered and a record of attendance kept.</p> <p>Training for Councillors is facilitated by Committee and Member Services, in consultation with a cross-party Member Development Advisory Group. This agrees the programme for training at the beginning of each year and monitors the success of each course and the uptake from Councillors.</p>	
14	Officers' Continuing Development	Yes	<p>There are a number of documents which relate to the development and performance culture of the Council, and which set out the values and behaviours expected. The current appraisal information can be found on the</p>	

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			intranet. Every role profile also includes the Council's values and behaviours, and forms part of the contract of employment.	
15	Officers' Training	Yes	The Council has an online Learning & Development resource 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 2018. Approved by the Council at its Annual Meeting in May 2018.</p> <p><u>Guidance to Councillors on Dealing with the Media</u> – first adopted February 2002, and last reviewed and updated in January 2018. Approved by the Council at its Annual Meeting in May 2018.</p> <p><u>Protocol on Member / Officer Relations</u> - introduced September 2002, and last reviewed and updated in January 2018. Approved by the Council at its Annual Meeting in May 2018.</p> <p><u>Members' Planning Code of Good Practice</u> – first adopted February 2004, and last reviewed and updated in January 2018. Approved by the Council at its Annual Meeting in May 2018.</p> <p><u>Anti-Fraud and Bribery Strategy</u> – adopted November 2001 and regularly reviewed and updated. The strategy</p>	

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			<p>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 Whistleblowing investigations are reported to the Standards Committee.</p> <p>Fraud alerts are issued highlighting specific frauds or scams as and when they arise.</p>	

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

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