

Swindon Borough Council

Standards Committee

Monday, 27 January 2020

Committee Room 6, Civic Offices

At 5.00 p.m.

Councillors

Alan Bishop
Roger Smith
Caryl Sydney-Smith (Chair)
Vera Tomlinson
Steve Weisinger
(Conservative)

Claire Crilly
Steph Exell
Janine Howarth
Jane Milner-Barry
(Labour)

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 4th November 2019.

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>
9	1 and 2

6. Question and Answer Session - Leader of the Council and Chief Executive
(Pages 9 - 20)

7. Independent Remuneration Panel on Councillors' Allowances (Pages 21 - 34)

8. Ethical Framework Update (Pages 35 - 50)

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

9. Ethical Compliance Report (Pages 51 - 54)

Date of despatch: 17 January 2020

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 Chief Legal Officer. 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, 4 NOVEMBER 2019

PRESENT: Councillor Caryl Sydney-Smith (Chair), Councillor Claire Crilly, Councillor Stephanie Exell, Councillor Janine Howarth, Councillor Steve Weisinger, Mr Trevor Davies, Mick Compton, Richard Hailstone and Mr Keith Strickland (Independent Person).

Apologies for absence were received from: Councillor Roger Smith, Councillor Vera Tomlinson, Mr David Dawson and Mr Paul Morris (Independent Person).

10. Declarations of Interest

The Chair reminded members of the need to declare known interests in any matters to be considered at the meeting. No declarations were made.

11. Minutes

Resolved – That the minutes of the meeting held on 1st July 2019 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 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	15

14. Ethical Framework Update

The Committee considered a report from the Chief Legal Officer 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 its last meeting.

Membership of the Standards Committee

Parish Representatives

The Committee noted that the recruitment process for Parish Representatives to the Standards Committee will continue in its current form whereby two representatives are nominated by the Wiltshire Association of Local Councils Swindon Area Committee, and confirmed by Council at its Annual General Meeting. Messrs Mike Compton (Blunsdon) and Richard Hailstone (Haydon Wick) have been reappointed until May 2020.

Summary of Code of Conduct Complaints

The Committee noted the summary of Code of Conduct complaints, set out in the table at paragraph 3.6 of the report.

Independent Remuneration Panel - Membership

The Committee noted that Mr Gus Strang, the Education Sector Representative, submitted his resignation to the Chair of the Independent Remuneration Panel on 20th June 2019. Mr David Body, previously appointed to the Panel as a Lay Representative, has indicated his willingness to transfer to the position of Education Sector Representative given his current employment at Oxford Brookes University. The Committee is asked to appoint Mr Body to the Panel as the Education Sector Representative for a period of four years, ending in November 2023.

The Committee also noted the work undertaken so far to recruit a replacement Lay Representative.

The Council's Codes and Protocols

The Committee was invited to consider whether the Council's various Codes and Protocols remained fit for purpose. 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 27th January 2020.

In considering this item, the following matters were discussed:

- The process by which both Members and Officers declare accepted gifts that are then logged in a publically available register. The Committee noted that Members and Officers are not expected to declare gifts and hospitality which are offered but declined. It was agreed that the Monitoring Officer would be requested to investigate if other Local Authorities have this requirement, for the Committee to discuss in more detail at its meeting on 27th January 2020.
- That the Officer Code of Conduct does not appear to contain explicit references to the limitations on politically restricted posts. It was agreed that the Monitoring Officer would take this matter away for review.
- That the Media Guidelines for Councillors could be enhanced and include reference to the matter of bullying via social media. It was agreed that the Monitoring Officer would take this matter away for review.

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.

Member Training

The Committee considered and noted the details of the training and development events planned for the 2019-20 Municipal Year, attached at Appendix 3 to the report. A log of member attendance at these events will be kept and reported to this Committee at its meeting in March 2020.

The Committee was advised that parish councillors are able to attend training sessions as advertised in the Members Bulletin. The details of parish councillor attendance will be kept and reported to this Committee at its meeting in March 2020.

The reasons behind the recent cancellation of some member training events were discussed and noted.

Resolved – (1) That the Ethical Framework Update, including dispensations granted to members of the Borough Council, the co-option of Parish Representatives on to the Committee, the Summary of Code of Conduct complaints, and the latest position regarding councillor training and development within the Borough be noted.

(2) That the appointment of Mr David Body as the Education Sector Representative on the Swindon Independent Remuneration Panel be endorsed for a period of four years, ending in November 2023.

(3) 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 27th January 2020.

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

(5) That, further to (3) above, the Monitoring Officer be asked to:

- Investigate if other Local Authorities have a requirement upon Members and Officers to declare gifts that were offered and declined;
- Review whether the Officer Code of Conduct should contain explicit reference to the limitations on politically restricted posts;
- Review and enhance the Media Guidelines for Councillors by including reference to the matter of bullying via social media;

and report the findings to this Committee at its meeting on 27th January 2020.

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

15. Ethical Compliance Report

The Committee considered a report of the Chief Legal Officer 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.

The process for submitting complaints regarding Parish Clerks was discussed and noted.

Resolved – That the Ethical Compliance report be noted.

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

Standards Committee

Date: 27th January 2020

Author: Chief Legal Officer
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 Ethical Audit Desktop Analysis, approved by this Committee at its meeting on 4th November 2019 and attached at Appendix 1, when considering discussion items. For the information of the Committee, attached at Appendix 2 is an excerpt from the Minutes of the Standards Committee held on 21st January 2019 showing the details of the last Question and Answer Session with the Leader of the Council.

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 Vicki Yull, 07980 752043, vyull@swindon.gov.uk.

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

Standards Committee

Date: 27th January 2020

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 – Ethical Audit Desktop Analysis.
- 8.2 Appendix 2 – Excerpt from the Minutes of the Standards Committee held on 21st January 2019.

Ethical Audit Desktop Analysis
Matrix of Key Information held by Swindon Borough Council
November 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 2019.</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 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 2018/19 confirmed unqualified opinions for the year ended 31 March 2019 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 2019	
3	Contracts Standing Orders	Yes	Updated in Constitution – May 2019	
4	Employees' Code Of Conduct	Yes	Following consultation with Council employees and unions, the Employee Code of Conduct was initially	

	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
			<p>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 2019.</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 2019 and was subsequently adopted at the Annual Council meeting in May 2019.</p> <p>Procedures for determining complaints against councillors were the subject of review during the 2013/14 and 2014/15 Municipal Years. A number of changes to the "Arrangements for dealing with member Code of Conduct complaints" were agreed by Standards Committee at its meeting on 21 July 2014 and these were incorporated into the process.</p> <p>The Monitoring Officer has provided guidance and training on the Members Code of Conduct to Members,</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
			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 	
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	

	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
			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 2019. The revised scheme was included in the 2019/2020 Constitution approved at the Annual Council meeting in May 2019.	
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.	
12	Officers' Induction Process	Yes	A corporate induction process is in place and departmental induction processes are also in place. Reference is included in the Officers' Induction Process	

	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
			<p>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 intranet. Every role profile also includes the Council's values and behaviours, and forms part of the contract of employment.</p>	
15	Officers' Training	Yes	The Council has an online Learning & Development	

	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
			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 2019. Approved by the Council at its Annual Meeting in May 2019.</p> <p><u>Guidance to Councillors on Dealing with the Media</u> – first adopted February 2002, and last reviewed and updated in January 2019. Approved by the Council at its Annual Meeting in May 2019.</p> <p><u>Protocol on Member / Officer Relations</u> - introduced September 2002, and last reviewed and updated in January 2019. Approved by the Council at its Annual Meeting in May 2019.</p> <p><u>Members' Planning Code of Good Practice</u> – first adopted February 2004, and last reviewed and updated in January 2019. Approved by the Council at its Annual Meeting in May 2019.</p> <p>Anti-Fraud and Bribery Strategy – 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 Whistleblowing investigations are</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
			<p>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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STANDARDS COMMITTEE

MONDAY, 21 JANUARY 2019

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

The Chair advised the meeting that, due to unforeseen personal circumstances, the Chief Executive was unable to attend the meeting.

Councillor David Renard, the Leader of the Council, advised the meeting of his view that standards issues within the Council continued to be well monitored under the auspices of the Standards Committee and the Monitoring Officer, that effectiveness being evidenced in the fact of only a single code of conduct complaint being submitted during 2018/19.

Members were given the opportunity to put questions to the Leader.

In response to a questions put by Mr Hailstone and Councillor Fionuala Foley, the Council's Acting Director of Law and Monitoring Officer advised the meeting of the arrangements in place to provide Monitoring Officer cover for the Authority, until such a time as a new Chief Legal Officer (Monitoring Officer) is appointed. At the request of members, he also expanded on the changed role of that officer from that of the former post of Director of Law and Democratic Services.

In response to questions and observations put by Councillors Janine Haworth and Steve Weisinger, regarding the Council's induction training for new members, the Leader confirmed his own wish that training programmes, including the induction training programme, should be enhanced to best meet the requirements of members. He agreed that the members' suggestions of more information being provided in relation to the Council's governance arrangements and the layout of the civic campus would be appropriate additions to the training and development programme, to be compiled in the next few weeks.

Resolved – That the Leader of the Council be thanked for attending the meeting and for his full and open responses to members questions on matters relating to the Council's ethical governance framework and issues of probity.

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Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 27th January 2020

Author: Chief Legal Officer

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To seek the Standards Committee's approval of the appointment of a Lay Representative to serve on the Swindon Independent Remuneration Panel, and to update the Committee on the current membership of the Panel.
- 1.2 To review the current frequency of meetings of the Swindon Independent Remuneration Panel, and any subsequent effect to the role profile and level of allowance paid to members of the Panel.
- 1.3 The operation of effective and transparent arrangements for the Swindon Independent Remuneration Panel supports the Council's commitment to good governance.

2. Recommendations

The Standards Committee is recommended to:

- 2.1 Approve the appointment of Mr Graham Cardwell as a Lay Representative on the Swindon Independent Remuneration Panel for a period of three years ending in January 2023.
- 2.2 Note and endorse the membership of the Independent Remuneration Panel.
- 2.3 Approve the recommendations from the Swindon Independent Remuneration Panel to move to align the four-yearly review cycle to the Council's fallow election year and other changes relating to the frequency / timetable of its meetings as set out in Appendix 1 attached to this report.
- 2.4 Subject to approval in paragraph 2.3, review the current role profile of the Swindon Independent Remuneration Panel Member to determine if the profile is fit for purpose or requires updating.
- 2.5 Subject to approval in paragraph 2.3, review the current level of allowance paid to the Swindon Independent Remuneration Panel members to determine if the level is appropriate going forward.

3. Detail

Background

- 3.1 The Council established the Swindon Independent Remuneration Panel (IRP) in late 2001.

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752 043, vyull@swindon.gov.uk.

Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 27th January 2020

- 3.2 The IRP operates under the provisions of the Local Authorities (Members Allowances) (England) Regulations 2003. These Regulations require that all councils should set up independent panels, and take account of their advice, before changing their Councillors' Allowances Scheme.
- 3.3 The IRP helps set the level of allowances that are paid to Borough Councillors each year. The IRP is also involved in setting the level of allowances that are paid to Parish and Town Councillors in Swindon.

Membership

- 3.4 The Standards Committee is responsible under Article 9 of the Council's Constitution for overseeing and approving the composition and appointments procedure associated with the establishment and maintenance of the IRP.
- 3.5 The IRP is made up of six members who are independent of the Council – one each is appointed from the Education, Business and Voluntary / Community Sectors, and there are three Lay Representatives appointed 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.
- 3.6 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	October 2020
VACANT	Lay Member	3 years	
Mr John Dernie	Business Sector Representative	4 years	April 2022
Ms Michelle Howard	Voluntary / Community Sector Representative	4 years	July 2022
Mr David Body	Education Sector Representative	4 years	November 2023

Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 27th January 2020

Appointment of Lay Representative

- 3.7 Mr Gus Strang, the Education Sector Representative, submitted his resignation to the Chair of the Independent Remuneration Panel on 20th June 2019. Mr David Body, previously appointed to the Panel as a Lay Representative, indicated his willingness to transfer to the position of Education Sector Representative given his current employment at Oxford Brookes University. This appointment was endorsed by the Committee at its meeting on 4th November 2019, for a period of four years ending in November 2023.
- 3.8 On 15th January 2020 Mr Graham Cardwell was interviewed by Mr Strickland (Chair of the IRP), Mr Thiagarajah (Lay Member of the IRP) and Mr Davies (Lay Representative on the Standards Committee) for the vacant position of Lay Representative on the IRP.
- 3.9 The interview panel has agreed that Mr Cardwell would be suitable for the position, and the Committee is therefore asked to appoint Mr Cardwell as a Lay Representative to the IRP for a three year period, ending in January 2023.
- 3.10 The Committee is also asked to note and endorse the membership of the Swindon IRP going forward.

Meeting frequency / timetable of the Panel

- 3.11 The Panel currently meets annually and determines each year the level of review it wishes to undertake. If there have been no substantial changes to the committee structure or role profiles then the Panel often chooses to undertake a light touch review. Periodically, the Panel determines to undertake a deeper review to ensure the allowances remain fit and proper, and also when events have resulted in changes to the committee structure or role profiles.
- 3.12 At its meeting on 25th November 2019, the Panel agreed that there is no longer a pressing need for an annual review given the Council's adoption of an index link to officers pay for Members Allowances. As such, it resolved to request that this Committee review the frequency and timetable of Panel meetings. The Minutes of that meeting are attached at Appendix 1 to this report.
- 3.13 The Panel is proposing that it no longer meets annually to undertake light touch reviews (when nothing material has changed) and is instead convened once every four years. At that time it would undertake a thorough and comprehensive review of the Councillors' Allowances Scheme.
- 3.14 During the three years it is not required to meet, the Panel members are proposing to be on 'standby' to undertake ad-hoc reviews should any extraordinary or significant circumstances come to light that may require amendments to the Councillors' Allowances Scheme.

Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 27th January 2020

- 3.15 Council has adopted an index link from officer salaries to Members Allowances, meaning that the same percentage increase is applied to both each year. The Committee is asked to note that Council can only apply an index link for a period of four years, and that the current link ends in May 2021. Any future link will have to be considered and proposed by the IRP before Council can adopt it as required by legislation.
- 3.16 The Panel is also suggesting that, given its recent comprehensive review of the Councillors' Allowances Scheme for the 2020/2021 Municipal Year, the following timetable be adopted. The Chief Legal Officer (Monitoring Officer) has adjusted extended and adjusted the timetable slightly for the Committee's consideration in order to conform to the statutory requirement to hold a review at least once every four years.

Municipal Year	Election	Panel Meeting / Review
2018 - 2019	Year 1	Review: The Panel undertook a comprehensive review of Members allowances, which Council agreed in July 2019.
2019 - 2020	Year 2	
2020 – 2021	Year 3	Allowances already agreed by Council in July 2019 for adoption in May 2020.
2021 – 2022	Fallow	Review: (light touch unless there have been significant changes in the Council's committee structures) to be undertaken by the Panel and agreed by Council in July 2022. Recommendation to continue a four year index link of Members Allowances to staff % increases in pay.
2022 – 2023	Year 1	Panel does not meet (unless required).
2023 – 2024	Year 2	Panel does not meet (unless required).
2024 – 2025	Year 3	Panel does not meet (unless required).
2025 – 2026	Fallow	Review: to be undertaken by the Panel for Council to agree and adopt in July 2026. Recommendation to continue a four year index link of Members Allowances to staff % increases in pay.

Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 27th January 2020

- 3.17 It is proposed that this timetable applies indefinitely until circumstances require a review. The Committee is therefore being asked to approve the recommendations from the Swindon Independent Remuneration Panel relating to the frequency / timetable of its meetings as set out in Appendix 1 attached to this report.

Panel Member – Role Profile

- 3.18 A Panel Member Role Definition (attached at Appendix 2) has been in place for some years to assist in the recruitment of panel members. At its meeting on 6th November 2017 this Committee reviewed the Role Profile, in comparison 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.
- 3.19 Subject to Committee approval of the changes to the frequency / timetable of Panel meetings, members are invited to consider whether the Swindon Panel Member Role Definition should be amended or whether it remains up-to-date and fit for purpose.

Panel Member – Remuneration

- 3.20 Local authorities are able to pay allowances to IRP members, and the Standards Committee has the delegated responsibility to determine this matter.
- 3.21 When the IRP was originally established in 2001, the Standards Committee determined at that time that an annual allowance of £125 should be paid to each member. This was based on an estimated time commitment of 15 hours per year. Travel and subsistence allowances were also payable as for other co-opted members, as set out in the Council's Scheme of Allowances.
- 3.22 At its meeting on 31st January 2005, the Standards Committee was requested to review this payment since additional responsibilities had been placed on Panels as a result of the Local Authorities (Members Allowances) (England) Regulations 2003 being introduced. The time commitment of panel members had proven to be more in the region of 18 hours per year for attendance at meetings plus preparation time. The Committee therefore agreed that the allowance should be increased to £200 per year, with travel and subsistence allowances remaining payable as for other co-opted members.
- 3.23 At its meeting on 6th November 2017, the Standards committee was requested to review this payment given that the allowance payable to members of the IRP had not been amended since 2005. The Committee agreed that the level of allowance paid to IRP members be increased to £225 with immediate effect, and that the allowance be index linked to any percentage increase awarded to officers in the national pay round until 2020, at which time the allowance would be further reviewed.

Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 27th January 2020

3.24 Given this, and also the changes to the requirements on panel members which the proposed changes to the meeting frequency / timetable will cause if approved, members are asked to confer and agree on any changes to allowances for members of the Panel.

3.25 It is worth noting that an individual panel member can choose not to accept any allowance payment offered, should they so wish.

4. Alternative Options

4.1 The Standards Committee could determine to not approve / endorse the recommendations as set out in paragraph 2.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

5.1 Members of the Independent Remuneration Panel are currently entitled to receive an allowance of £234 per year (if they choose to claim it). Any increases to this allowance would be found from within existing budgets.

Legal and Human Rights Implications

5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with convention rights.

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

5.3 No other implications were identified in the preparation of this report.

Diversity Impact Assessment

5.4 A Diversity Impact Assessment (DIA) has not been undertaken as the report does not make any recommendations or have implications that affect services.

Risk Management

5.5 No risk management implications were identified in the preparation of this report.

6. Consultees

6.1 The author has consulted, where appropriate, with Corporate Directors, Directors, Heads of Service, other officers, and relevant partners on the purpose, content, and recommendations of the report.

7. Background Papers

7.1 None.

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752 043, vyull@swindon.gov.uk.

Independent Remuneration Panel on Councillors' Allowances

Standards Committee

Date: 27th January 2020

8. Appendices

- 8.1 Appendix 1 – Minutes of Independent Remuneration Panel held on 25th November 2019.
- 8.2 Appendix 2 – Role Profile of Independent Remuneration Panel members.

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INDEPENDENT REMUNERATION PANEL

MONDAY, 25 NOVEMBER 2019

PRESENT: Mr Keith Strickland (Lay Representative) (Chair), Mr John Dernie (Business Sector) and Ms Michelle Howard (Voluntary and Community Sector).

Also in attendance were: Councillor David Renard (Leader of the Council) and Ms Susie Kemp (Chief Executive).

Apologies for absence were received from: Mr David Body (Lay Representative) and Mr Ram Thiagarajah (Lay Representative).

1. Review of Members Allowances for 2021/2022

Councillor Renard and Ms Kemp were in attendance to update the Panel on the Council's recent consideration of changes to the election cycle in the Borough.

Councillor Renard explained that the Council Resolution to look at changing the election cycle from thirds (elections in Year 1 / Year 2 / Year 3 then a fallow year) to all out elections (election in Year 1 and then 3 fallow years) was triggered because of the following:

- From a governance point of view, a four-year cycle allows for longer term planning, and the Council can make strategic decisions that last over that period.
- It improves productivity as from March onwards things become constrained in the pre-election period.
- Financial savings will be gained by having fewer elections and there would be less disruptions to communities from them as well.

Officers were given the task of undertaking an extensive consultation following the approval of the Council Motion, part of which included sending a letter to every household in Swindon seeking views. Around 34,000 households responded (about a third of houses in Swindon) and of those, 68% were in support of a move to all out elections.

Councillor Renard confirmed that, at the Extraordinary Council meeting convened to decide this matter, the result had been 5 votes short of the statutory two-thirds majority of those present threshold required to pass the motion. The Panel noted therefore that the Council will be maintaining its current election cycle until / unless there is a significant change in circumstances. Councillor Renard also advised that he has no plans to amend the current Committee structure or Cabinet structure either.

The Panel, along with Councillor Renard and Ms Kemp, then discussed the frequency of Panel meetings and it was agreed that there is no pressing need for an annual review given the Council's adoption of an index link to officers pay for Members Allowances.

Resolved – That the Standards Committee, at its meeting on 27th January 2020, be asked to review the frequency and timetable for Panel meetings and agree the following:

- (1) That the Independent Remuneration Panel be convened once every four years to undertake a thorough and comprehensive review of the Councillors' Allowances Scheme.
- (2) That, during the three years it is not required to meet, the Panel members be on 'standby' to undertake ad-hoc reviews should any extraordinary or significant circumstances come to light that may require amendments to the Councillors' Allowances Scheme.
- (3) That, given the Panels recent comprehensive review of the Councillors' Allowances Scheme for the 2020/2021 Municipal Year, the following timetable be adopted going forward:

Municipal Year	Election	Panel Meeting / Review
2020 – 2021	Year 3	Allowances already agreed by Council in July 2019 – for adoption in May 2020.
2021 – 2022	Fallow	Light touch review undertaken by the Panel and agreed by Council in July 2020. Recommendation to continue a four year index link of Members Allowances to staff % increases in pay.
2022 – 2023	Year 1	Panel does not meet (unless required).
2023 – 2024	Year 2	Panel does not meet (unless required).
2024 – 2025	Year 3	Panel does not meet (unless required).
2025 – 2026	Fallow	Panel undertakes a thorough review for Council to agree and adopt in July 2025. Recommendation to continue a four year index link of Members Allowances to staff % increases in pay.

- (4) That the members of the Standards Committee confer and agree on any changes to allowances for members of the Panel from 2021 onwards.

Independent Remuneration Panel Role Definition for Panel Member

ROLE PURPOSE:

- A.** To be responsible for making recommendations to the Council about the type and level of allowances to be paid to Councillors.

In particular, as a member of the Independent Remuneration Panel, to make recommendations to Swindon Council on:-

- the amount of basic allowance that shall be payable to elected Members;
- the amount of any co-optee allowance that shall be payable to non-elected members serving on the Council;
- the roles and responsibilities for which a special responsibility allowance is payable and the amount of each such allowance;
- the amount of travel, subsistence and dependant care allowances to be paid to councillors and non-elected members (co-optees) and the means by which they are determined;
- general issues associated with councillors' allowances, pensions and the Council's Scheme of Councillors' Allowances.

- B.** To be responsible for making recommendations to parish and town councils in Swindon about the type and level of allowances to be paid to parish and town councillors.

In particular, as a member of the Independent Parish Remuneration Panel, to make recommendations to parish and town councils on:-

- the amount of basic allowance that shall be payable to Swindon parish and town councillors;
- the payment of allowances to the chairs of parish and town councils in Swindon;
- the amount of travel and subsistence allowances payable to Swindon parish and town councillors and the means by which they are determined;
- general issues associated with parish and town councillors' allowances in Swindon.

DUTIES AND RESPONSIBILITIES:

To work with other Panel Members and officers of the Council:-

1. To meet the requirements of a non-elected member of a local authority, including compliance with all relevant codes of conduct.
2. To fully take part in the activities and decision-making role of the Independent Remuneration Panel and the associated Independent Parish Remuneration Panel.

3. To develop, as necessary, a working knowledge of the role of councillors, the Councillors' Allowances Scheme, the structure and operation of Swindon Council and its policies and practices.
4. To develop, as necessary, a working knowledge of the role of parish and town councillors, parish and town council allowances schemes, the structure and operation of parish and town councils and their policies and practices.
5. To develop as necessary a working knowledge of the statutory requirements, regulations and Government guidance concerning Councillors' allowances.
6. To develop, as necessary, a working knowledge of the councillors' allowances schemes operating in other local authorities and public bodies.

Independent Remuneration Panel on Councillors' Allowances Specification

Role of the Independent Remuneration Panel

The role of the Independent Remuneration Panel is to make recommendations to the Council on:-

- the amount of basic allowance that shall be payable to elected Members;
- the amount of any co-optee allowance that shall be payable to non-elected members serving on the Council;
- the roles and responsibilities for which a special responsibility allowance is payable and the amount of each such allowance;
- the amount of travel, subsistence and dependant care allowances to be paid to councillors and non-elected members (co-optees) and the means by which they are determined;
- general issues associated with Councillors' allowances, pensions and the Council's Scheme of Councillors' Allowances.

Members of the Independent Remuneration Panel (unless disqualified by being a serving member of a parish or town council) will automatically form the membership of the Swindon Independent Parish Remuneration Panel.

The role of the Independent Parish Remuneration Panel is to make recommendations to parish and town councils in Swindon on:-

- the amount of basic allowance that shall be payable to Swindon parish and town councillors;
- the payment of allowances to the chairs of parish and town councils in Swindon;
- the amount of travel and subsistence allowances payable to Swindon parish and town councillors and the means by which they are determined;

- general issues associated with parish and town councillors' allowances in Swindon.

Structure of the Panel

This panel will comprise of six independent non-council members.

Three lay persons recruited by way of public advertisement; and

Three persons recruited from the Swindon Business, Community / Voluntary and Education Sectors.

The Council's Standards Committee will make appointments to the Independent Remuneration Panel.

Term of Office of Panel Members

The three Sector Representatives of the Remuneration Panel will serve for a term of office of **four years**. The three Lay Representatives will serve for a term of office of **three years**. Members of the Panel may serve consecutive terms.

Chair of the Panel

The Council's Standards Committee will consider and appoint a Chair for the Remuneration Panel for the first year from the list of nominations received. Thereafter, the Remuneration Panel will appoint its Chair.

Arrangements for the Replacement of Panel Members

The Council's Standards Committee will be responsible for the replacement of panel members mid – term. This may result from resignation or may relate to the need for the Council to remove a discredited member from the panel (an example being a member of the panel being found guilty of a criminal offence). The Council's Standards Committee will ensure that the provision to change panel members mid-term is not itself abused for political or vexatious ends.

Time Commitment of Panel Members

Time commitment is variable. However, it is estimated that the time commitment should be no more than 18 hours in any one year.

Remuneration Arrangements

Members of the Independent Remuneration Panel will receive an allowance of £234 per year paid on a monthly basis. They will also be permitted to claim travelling and subsistence allowance in accordance with the Council's scheme for other non-elected co-opted members.

Meetings of the Panel

Meetings of the Independent Remuneration Panel will be called as and when required by the Chief Legal Officer and in consultation with the Remuneration Panel Chair.

Administrative Support to the Panel

The Council will provide the Independent Remuneration Panel with the necessary resources and administrative support to undertake their work.

Applicant Specification

Set out below is an “Applicant Specification” to apply to applications for membership of the Independent Remuneration Panel on Councillors’ Allowances

Independence - The Council’s Standards Committee stresses the need for appointments to the Independent Remuneration Panel to be clearly seen as independent.

Applicants for membership of the Panel should not be associated with the political groups on the Council. Applicants must declare friendship or any other personal association with any member or officer of the Council.

Preference will always be given to applicants who in the minds of the local community will be perceived as being independent of the Council and its Members.

Qualifications and Experience – No formal qualifications or experience are required.

An interest in issues of local governance is essential

A candidate’s knowledge of local government and the way it works is desirable. However, a lack of familiarity with the functions of councils will not bar an appointment.

A candidate will need to be able to assess and interpret information and situations and to communicate effectively their views.

Proven administrative and organisational skills would be useful but are not essential.

A conscientious approach and an approachable manner will be desirable in any Panel member.

An understanding of benchmarking remuneration or of job evaluation or remuneration schemes in other settings would be useful.

Ethical Framework Update

Standards Committee

Date: 27th January 2020

Author: Chief Legal Officer

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 Comment upon and note the Ethical Framework update, including: dispensations granted to members of the Borough Council; the Summary of Code of Conduct complaints, and; the latest position regarding councillor training and development within the Borough.
- 2.2 Consider the effectiveness of the Council's codes and protocols attached at Appendix 2, and determine whether changes are required to ensure these remain fit for purpose.

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 Monitoring Officer 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 Monitoring Officer, 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.

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752043, VYull@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 27th January 2020

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	Informal Resolution	Referred for Investigation	No action following referral	Breach following hearing
2010/11	12	8	N/A	4	4	0
2011/12	10	8	N/A	2	2	0
2012/13	5	5	N/A	0	0	0
2013/14	14	11	2	3	1	0
2014/15	5	5	0	0	0	0
2015/16	4	4	0	0	0	0
2016/17	1	1	0	0	0	0
2017/18	36	27	1	8	8	0
2018/19	9	6	1	2	2	0
2019/20	4	1	3	0	0	0

Member Training

- 3.6 Attached at Appendix 1 are the details of the training and development events planned for the remainder of the 2019-20 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 Parish councillors are also able to attend training sessions as advertised in the Members Bulletin. The details of parish councillor attendance will be kept and reported to this Committee at a future meeting.

Consideration of any recommended updates to Codes and Protocols

- 3.8 The Standards Committee annually reviews the Council's Codes and Protocols to ensure that these remain appropriate and up to date.

Ethical Framework Update

Standards Committee

Date: 27th January 2020

- 3.9 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
- 3.10 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 2019. 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.
- 3.11 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.
- 3.12 At its last meeting (Minute 14 2019/20 refers) this Committee agreed that the Monitoring Officer would be asked to: investigate if other Local Authorities have a requirement upon Members and Officers to declare gifts that were offered and declined; review whether the Officer Code of Conduct should contain explicit reference to the limitations on politically restricted posts, and; review and enhance the Media Guidelines for Councillors by including reference to the matter of bullying via social media.
- 3.13 The 33 local authorities within the south west have been contacted to determine whether they have a requirement upon Members and Officers to declare gifts and hospitality that were offered but declined. The responses have been as follows:

Ethical Framework Update

Standards Committee

Date: 27th January 2020

Local Authority	Response
North Devon Council	North Devon Council places no requirement on officers or Members to declare gifts/hospitality that were offered but declined. They are only required to declare accepted gifts and hospitality.
Wiltshire	In Wiltshire Councillors are not obliged to declare any gifts or hospitality received, but are encouraged to include on their register of interests details of any gift, benefit or hospitality with a value in excess of £50 which they have accepted as a Member from any person or body other than the Council. So we wouldn't require them to register any gifts offered but declined.
Dorset and Wiltshire Fire and Rescue Authority	Members should, on a voluntary basis, register all offers of gifts and hospitality made to them in their capacity as Members of the Authority with a value of £25 or more, whether or not accepted. A review of a small sample of Members did not reveal any examples of declarations of gifts or hospitality offered but declined.
Dorset Council	Dorset Council does require members/officers to declare gifts and hospitality even if they do decline it – this is to show transparency. A review of a small sample of Members did not reveal any examples of declarations of gifts or hospitality offered but declined.
Tewkesbury Borough Council	Tewkesbury Borough Council does not require gifts or hospitality not accepted to be declared.

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752043, VYull@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 27th January 2020

3.14 Human Resources have been advised of this Committee's comments following its last meeting regarding the Officer Code of Conduct containing explicit reference to the limitations on politically restricted posts. A copy of the policy, which was updated in December 2018, is available to all staff via the Council's intranet and is attached as Appendix 3a. A list of posts covered by the policy, which was updated in April 2019, is in Appendix 3b. In light of this policy, officers consider that the Committee's concerns have been addressed and there is no need to update the employee code. The Committee may wish to confirm that the annual review has been completed at a subsequent meeting.

3.15 The Media and Social Media Guidelines for Councillors has been reviewed and updated, and is attached as part of the Codes and Protocols in Appendix 2 for members comments and approval.

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

Further information on the subject of this report can be obtained from Vicki Yull, 07980 752043, VYull@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 27th January 2020

6. Consultees

- 6.1 The author has consulted, where appropriate, with Corporate Directors, Directors, Heads of Service, other officers, and relevant partners on the purpose, content, and recommendations of the report.

7. Background Papers

- 7.1 None.

8. Appendices

- 8.1 Appendix 1 – Member Training Programme 2019-2020.
- 8.2 Appendix 2 – Codes and Protocols (The codes are available online or by request to CommitteeServices@swindon.gov.uk)
- 8.3 Appendix 3
- 8.3.1 A – Political restrictions policy
- 8.3.2 B – List of politically restricted posts.

Politically Restricted Roles: April 2019

Job Title
Chief Executive
Corporate Director, Communities & Housing
Corporate Director, Children's Services
Corporate Director, Adult Social Services
Director of Public Health
Head of Housing
Director of Performance, Organisational Improvement & Communications
Head of StreetSmart
Head of Planning, Regulatory Services & Heritage
Director of Finance, Audit & Property Assets
Director of Human Resources & Organisational Development
Head of Communications
Communications Lead: Media Relations
Communications Lead: Campaigns
Head of Internal Audit
Consultant in Public Health
Consultant in Public Health
Licensing Manager
Planning Manager
Masterplanning and Design Manager
Service Manager – Development Management
Strategic Allocations Planning Manager and New Eastern Villages Programme Lead
Senior Planner
Planner
Principal Planner
Senior Enforcement Officer
Senior Licensing Officer
Senior Conservation Officer
Service Manager - Planning Policy
Principal Planner
S106 Planning Obligations & Community Infrastructure Levy (CIL) Manager
Heritage and Cultural Services Manager
Lydiard House and Parkland Manager
STEAM Museum Manager
Service Manager - Landscape and Leisure Services
Service Manager, Parking & Enforcement
Operations Lead, Parking & Enforcement

[illegible]

Service Area
Public Health
Housing
Performance, Organisational Improvement & Communications
StreetSmart
Planning, Regulatory Services & Heritage
Finance, Audit & Property Assets
Human Resources & Organisational Development
Performance, Organisational Improvement & Communications
Performance, Organisational Improvement & Communications
Performance, Organisational Improvement & Communications
Finance, Audit & Property Assets
Public Health
Public Health
Planning, Regulatory Services and Heritage
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Highways and Transport
Highways and Transport

Category (specified or sensitive)
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Swindon Borough Council

Human Resources & Organisational Development

Title:	Political Restrictions Policy
Author(s):	Senior HR Consultant (Pay and Reward)
Sponsor:	Director of Human Resources & Organisational Development
Endorsed by:	Cabinet Member for Corporate and Customer Services
Implementation date:	May 2016
Date last reviewed:	December 2018
This document replaces:	Political Restrictions Policy May 2016
HR Reference Number:	HR 006

Policy Statement

Swindon Borough Council is committed to working in accordance with legislation concerning Politically Restricted posts. Local Government employees should be seen to observe political neutrality so the public and Members of the Council may rely on those employees to give impartial advice. This policy defines how the Council will apply the requirements for Politically Restricted posts.

Contents

Please click on a heading below to take you to that section:

- [Definition of political restriction](#)
- [Recruitment](#)
- [Conduct](#)
- [Trade Union Officials](#)
- [Appeal](#)
- [Monitoring and review](#)
- [Data Protection](#)
- [Equality](#)
- [Legislation](#)
- [Contacts and further information](#)

Who does it apply to?

This policy applies to all post-holders (including employees who transferred under TUPE regulations) of politically restricted roles, although all employees are required to observe the Council's Code of Conduct which requires all employees to be politically neutral in respect of their employment duties.

School teachers, head teachers and lecturers are exempt from political restrictions under Section 2(10) of the Local Government and Housing Act 1989.

When does it apply?

To any role that is deemed to be one that is politically restricted under the Local Government and Housing Act 1989.

When does it not apply?

School Teachers, Head Teachers and lecturers and exempt from this policy under the Local Government and Housing Act 1989.

Definition of political restriction

1. Employees who have a role within the Council that is deemed to be politically restricted must not engage in any political activity.
2. The types of political activity which are considered to be restricted can be summarised as follows:
 - Becoming a Councillor, Member of Parliament (within the UK) or a Member of the European Parliament.
 - Announcing candidature for election to a local authority, the House of Commons or the European Parliament.
 - Being an officer of a political party or its branches or a member of its committees or sub-committees where the duties would likely require either participation in the general management of the party or branch or acting on behalf of the party or the branch dealing with non-party members.
 - Canvassing on behalf of a political party or for a person who seeks to be a candidate for election to a local authority, the House of Commons or European Parliament.
 - Acting as an election agent or sub-agent for an individual.
 - Speaking in public where there is an intention to affect public support for a political party.
 - Publishing work which appears to be intended to affect public support for a political party.

3. Posts will be considered to be politically restricted if they fall into one of the two following categories:

- Specified
- Sensitive

Specified

4. The following posts are **automatically** subject to the restrictions on public political activity:

- The Head of Paid Service.
- Statutory Chief Officers (including the Corporate Director of Adult Services and the Corporate Director of Children's Services).
- Non-Statutory Chief Officers.
- Deputy Chief Officers.
- The Monitoring Officer.
- The officer holding Section 151 responsibilities, normally the Chief Financial Officer.
- Officers exercising delegated authority i.e. persons whose posts are for the time being specified by the Council in a list maintained in accordance with S 100G(2) of the LGA.
- Assistants to political groups.

Sensitive

5. These are posts that are involved either one or more of the following criteria:

- Giving advice on a regular basis to the Council itself, to any committee or sub-committee of the Council or to any joint committee on which the Council is represented.
- Giving advice on a regular basis to the Administration of the Council, to any committee of that Administration, or to any member of that administration who is also a member of the Council.
- Speaking on behalf of the Council on a regular basis to journalists or broadcasters.

Recruitment

6. All roles that are deemed to be politically restricted must be stated in **all** the recruitment documentation. It is important that recruiting managers discuss the political restriction on the role with applicants to ensure they are made aware of the implications of accepting the role. Applicants can be provided with a link to the policy which is available on the Council's [website](#).

Conduct

7. Employees who allegedly undertake political activities within or outside of the workplace, whilst holding a post deemed to be politically restricted, may be subject to an investigation under the Council's [Disciplinary Policy](#) and the [Code of Conduct](#).

Trade Union Officials

8. Trade Union officials can lobby and campaign but they need to be mindful that the Council's Code of Conduct still applies. The Council is aware that Trade Union Officials will discuss politics as part of their role.

Appeal

9. Employees who hold a specified role have no right of appeal against their political restrictions.
10. Employees who hold a sensitive role do have the right to appeal against their political restriction on the grounds that the Council has wrongly applied the criteria of a sensitive post.
11. An appeal will need to be made, in writing, and to include a copy of the employee's role profile to the Head of Paid Service, Civic Offices, Euclid Street, Swindon SN1 1JH.
12. If the Head of Paid Service is satisfied that the role is not regarded as politically restricted, then Human Resources & Organisational Development will arrange for the role to be removed the list.

Monitoring and Review

13. It is the responsibility of managers to identify whether any roles in their team are deemed to be politically restricted and to inform [HR Advice and Admin](#) if there are any.
14. A review of politically restricted roles are undertaken on an annual basis and employees will be informed, in writing, if there are any changes of restriction to their current role.

Data Protection

15. As part of an employee's employment with the Council, the Council collects and processes personal data relating to its employees in accordance with its [Privacy Notice Policy \(for employees\)](#) and the Council's [Retention & Disposal Policy](#) which are available on the intranet. In particular, data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of ensuring employment information is kept up-to-date.
16. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's incident reporting and management process immediately. It may also constitute a disciplinary offence, which will be managed with under the Council's [Disciplinary Policy](#).

Equality

Equality monitoring will be undertaken to ensure the fair application of this policy. This analysis will take place and be reported annually.

A Diversity Impact Assessment (DIA) has been undertaken in relation to this policy in order to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups. No adverse impacts were identified for any protected characteristic group.

Legislation

- The Local Democracy, Economic Development and Construction Act 2009
- Data Protection Act 2018

This policy has been reviewed by Legal Services to ensure compliance with (the above legislation and) our statutory duties.

Contacts and further information

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member. If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

There are a number of related policies and documentation that should be read in conjunction with this policy:

- [Disciplinary Policy](#)
- [Code of Conduct](#)

For further information please speak to your supervisor, manager, head of service or contact HR Advice and Admin. Trade Unions members can also contact their Branch.

Contacts:

HR Advice and Admin

E-mail: HRAdviceandAdmin@Swindon.gov.uk

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

Document is Restricted

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