

Swindon Borough Council

Standards Committee

Annual Report

1st June 2017 – 31st May 2018

Introduction

The Council adopted a new Members Code of Conduct with effect from 1 July 2012 and, at that time, appointed a non-statutory Standards Committee to be responsible for maintaining the Council's profile of probity and conduct through the promotion and maintenance of high standards of conduct by councillors, and to assist them in observing their Code of Conduct.

The specific roles and functions of the Standards Committee are set out in Article 9 of the Council's Constitution (attached to this report at Appendix A).

This Annual Report is a record of the work of the Standards Committee in the period 1st June 2017 to 31st May 2018.

Membership of the Committee for 2017/2018:

Councillors	Parish Representatives	Co-opted Lay Representatives	Independent Persons
Jane Milner-Barry	Mr Mike Compton	Mr Trevor Davies	Mr Paul Morris
Teresa Page	Mr Richard Hailstone	Mr David Dawson	Mr Keith Strickland
Kevin Parry			
Eric Shaw			
Tim Swinyard			
Vera Tomlinson			
Joe Tray			
Steve Weisinger (Vice Chair)			
Dave Wood (Chair)			
Colin Lovell (Deputy)			
Caryl Sydney- Smith (Deputy)			

Independent Persons and the Independent Persons Protocol

Under the Localism Act 2011, the Council has appointed two Independent Persons, Messrs Paul Morris and Keith Strickland, to carry out the functions set out in the Act in respect of providing their views to complainants, councillors and the Assessment Panel on complaints and the complaints process. The period of these appointments expired on the date of the Annual Council meeting in 2018. At that meeting, following the advertising of the two vacancies and the subsequent recruitment process, both Mr Morris and Mr Strickland were re-appointed for a further 4 years.

A Protocol for the Independent Persons, setting out the parameters of their work with, and on behalf of, the Council and its Standards Committee was approved and adopted on 7 October 2013.

Annual Report and Work Programme

At its first meeting in the 2017/18 Municipal year, the Committee received, and approved, its Annual Report for the preceding year and also agreed a work programme

for the year ahead. As in the previous year, the Standards Committee, via its Standards Assessment Panel, continued to be the arbiter of Complaints under the Council's Members' Code of Conduct and was also responsible for the review of the Council's other Codes and Protocols and the monitoring of Whistleblowing Complaints. The Standards Committee met on four occasions in the 2017/18 Municipal Year.

Summary of Members Code of Conduct Complaints

The Standards Assessment Panel is charged with making an initial assessment decision in relation to all Member Code of Conduct complaints. In 2017/18, the Panel met on six occasions, to determine 36 complaints. The following table provides comparative data for the last 10 years.

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

Type of Complaints

There were 4 Code of Conduct complaints received during 2017/18 made against Borough Councillors, 3 of which were made by members of the public and one by a Borough Councillor.

The remaining 32 complaints were complaints against 13 Parish Councillors, 29 of which related to 11 Parish Councillors from one Parish Council. All were made by members of the public apart from one, which was submitted by the Parish Clerk.

Processing of Complaints

The Standards Assessment Panel carried out the first stage assessment of the 36 complaints received in accordance with the Standard Committee's agreed process for the initial assessment of complaints. In eight cases, the Panel was of the view that they should be referred for investigation, and this has been done. In one case, the Panel was of the view that a local resolution should be offered. In the remaining 27 cases, there did not appear to be a potential breach of the Code of Conduct and the Panel therefore determined that no further action be taken, but did ask the Monitoring Officer to offer training or other informal resolutions to those involved in four of these complaints which has also been done.

Monitoring of Complaints

The Standards Committee received a summary of the progress of Code of Conduct complaints at each meeting during the year, as part of the ethical compliance update report.

Breaches of the Member / Officer Protocol

At each meeting of the Committee, the Monitoring Officer reported as to whether or not any complaints had been received under the Member / Officer protocol. No complaints were received under the Protocol of Member / Officer relations during 2017/18.

The Monitoring Officer has continued to work behind the scenes in discussion with senior officers and political groups, in relation to any incident, which he has been made aware of informally.

Monitoring of Whistleblowing Complaints

Throughout the year, the Standards Committee has continued to monitor complaints received under the Council's Whistleblowing policy. The Committee were notified of new complaints and the progress and outcomes of subsequent investigations, including any learning points which arose.

During 2017/18, the Standards Committee was advised of the receipt by the Council of thirteen new whistleblowing cases. These were all the subject of investigation by Internal Audit, or, where appropriate, were referred for investigation by the appropriate Head of Service or Human Resources.

Of the thirteen cases reported to the Standards Committee:

- Four were substantiated with recommendations that existing working arrangements be amended.
- Five were unsubstantiated
- A further four were unsubstantiated but a number of improvements were made to processes as a result of the Internal Audit investigations.

Annual Governance Statement

At its first meeting in the year, the Standards Committee was invited to review the Council's Annual Governance Statement (AGS) and to identify any additional significant control issues that it would like to be included. The AGS is a formal statement that recognises, records and publishes an authority's governance arrangements and is designed not only to give an opportunity for authorities to consider the robustness of their governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.

The guidance for the AGS requires the Council to set out its governance arrangements and key elements of internal control and the sources of assurance; a review of the effectiveness of those governance and internal controls and a requirement to identify significant governance issues.

The Committee noted that the AGS had been revised following discussion at Corporate

Management Team, and that the following areas still required progress before they could be taken off the statement for 2017/18:

- Information Governance and Security
- GCSE attainment

The following additional areas were recommended for inclusion in the statement for 2017/18:

- Financial Stability and the Swindon Programme
- Children Services
- Premises Management

The Committee reviewed the draft Annual Governance Statement, and agreed that it be approved to be signed off by the Leader and Chief Executive in June 2018, following its formal approval by the Council's Audit Committee.

Independent Remuneration Panel on Councillors' Allowances: Membership and Allowances

Under Article 9 of the Council's Constitution, the Standards Committee is responsible for approving procedures associated with the appointment of the Independent Remuneration Panel on Councillors' Allowances, established under the provisions of the Local Authorities (Members Allowances) (England) Regulations 2003.

At its meeting on 6th November 2017, the Committee's approval was sought for the re-appointment of Mr. Ram Thiagarajah as a Lay representative to serve on the Independent Remuneration Panel, following the cessation of his current appointment in October 2017, and it endorsed his re-appointment for a further period of three years.

Also at its meeting on 6th November 2017, the Panel was invited to review the Panel Member Role Definition and the amount of annual allowance paid to members of the Panel for their service. The Panel endorsed the current role profile as being fit for purpose and agreed that the annual allowance be increased to £225, with future increases being index linked to the % increase awarded to officers in the national pay round until 2020, at which time the allowance will be further reviewed.

At its meeting on 15th January 2018, the Committee's approval was sought for the re-appointment of Mrs. Wendy Hall as the Voluntary / Community Sector representative to serve on the Independent Remuneration Panel, following the cessation of her current appointment in February 2018. The Panel noted that Mrs. Hall had declared her intention to step down from the Panel, and it endorsed her re-appointment for an unspecified period of time until the position had been filled.

At its meeting on 27th March 2018, the Committee's approval was sought for the re-appointment of Mr. John Dernie as the Business Sector representative to serve on the Independent Remuneration Panel, following the cessation of his current appointment in April 2018, and it endorsed his re-appointment for a further period of four years.

Desktop Ethical Audit

The Standards Committee had previously agreed to undertake an annual Desktop

Ethical Audit, based on the matrix designed by the Institute for Democracy and Electoral Assistance (IDEA), to assess that it has all governance requirements in place.

The annual self-assessment and update was considered and approved by the Committee in November 2017 who were satisfied that all governance requirements are in place.

Leader and Chief Executive ‘Question and Answer’ Session

The Leader of the Council and the Chief Executive are invited annually to meet with the Standards Committee to report on matters relating to the Council’s ethical governance framework and issues of probity, and to discuss with members the key priorities for ensuring that high ethical standards continue to be promoted and maintained within the Council. This year, the Leader and the Chief Executive attended the meeting of the Committee on 15th January 2018.

Following the opening remarks from the Leader and Chief Executive, members were given the opportunity to put forward questions to them. 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.

Review of the Council’s Codes and Protocols

The Standards Committee regularly reviews the Council’s Codes and Protocols to ensure that these remain appropriate and up to date.

At its meeting on 15th January 2018, the Committee received the results of the Annual Review of the following Council Codes and Protocols, undertaken by the Monitoring Officer in accordance with the Committee’s established review process and involving consultation with relevant officers, each of the political groups on the Council, and also with Parish Councils.

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

- Public Question Time at Council Meetings Protocol and Guidance.
- The Whistleblowing Policy.

Members' views were sought on the various submissions made in response to the Monitoring Officer's review and whether changes were required to ensure these remain fit for purpose. The Committee resolved that the outcome of the consultation on the Council's Codes and Protocols be noted and that these be approved, without amendment, for inclusion in the Council's Constitution for 2018/19.

Consultation on updating the disqualification criteria for local authority members

At its meeting on 6th November 2017 the Committee considered a consultation paper, published by the Department for Communities and Local Government on 18th September 2017, setting out the government's proposals for updating the criteria disqualifying individuals from being elected, or holding office, as a local authority member or directly elected mayor. The proposal was to update the disqualification criteria to include an individual being added to the sex offenders register, being given an Anti-social Behaviour Injunction, and being given a Criminal Behaviour Order.

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

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

At its meeting on 15th January 2018, the Committee noted the content of the Swindon Borough Council submission which had been submitted by the deadline of 8th December 2017.

Local Government Ethical Standards: Stakeholder Consultation

At its meeting on 27th March 2018 the Committee considered a consultation paper, published by the Committee on Standards in Public Life on 29th January 2018, to inform its review of local government standards.

The Committee noted the following terms of reference for the review:

- To examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors.
 - investigating alleged breaches fairly and with due process.
 - enforcing codes and imposing sanctions for misconduct.
 - declaring interests and managing conflicts of interest.
 - Whistleblowing.

- To assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government.
- To make any recommendations for how they can be improved.
- To note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

In considering this item, the Committee worked through the questions set out in the consultation paper. The Committee agreed that a draft response to the consultation on behalf of the Committee would be created and circulated electronically to members for approval prior to final submission by the 18th May 2018.

Training

The Committee has continued to assure itself, by receiving regular updates, that appropriate ethical training of Borough Councillors and Parish Councillors is taking place. Reports were made to each of the Committee's meetings in the 2017/18 Municipal Year, providing a record of all the member training events that had taken place, including details of councillor attendance at those events and their feedback from those events.

Following the Council elections in May 2018, an induction session was held on 8th May 2018 to welcome six Councillors who had not been members of the Council before, as well as one former-Councillor. In addition to affording six members the opportunity to meet the Chief Executive and other senior officers, they received an introduction from the Monitoring Officer to the Ethical Framework, covering Ethics and Probity, Code of Conduct and Register of Interests matters.

On 9th May 2018, the six members heard hints and tips from serving councillors, and received an introduction to Customer Services and the Members Hotline. The Monitoring Officer also provided further training on Corporate Governance and the Constitution, and the rules, protocols and conduct of Full Council meetings.

An individual session was held subsequently with the Monitoring Officer for the only newly elected councillor who had been unable to make the group sessions.

Parish Councils

The Standards Committee has continued to monitor training for Parish Councillors and offered assistance where required. The Committee has received an update at each of its meetings on training issues relating to local Parish Councils, including the details of training events held. All but two of Swindon's Parish Councils (Bishopstone & Hinton Parva, and Blunsdon) have adopted the Council's own Members' Code of Conduct. Where a Parish Council has opted to utilise an alternative code, training has been provided via the Wiltshire Association of Local Councils. The Monitoring Officer has carried out a number of training sessions for Parish Councils during the year. Two sessions were held on Chairing Skills with 8 councillors attending. One session has been held on Code of Conduct matters which 9 councillors attended, and a session has been held on decision-making and governance which 5 councillors attended.

The Monitoring Officer has continued to chair quarterly meetings of Parish Clerks in the Borough throughout the year. The Ethical Framework is a standing item on the agenda,

with any issues arising reported back to the Standards Committee. In addition, quarterly liaison meetings chaired by the Monitoring Officer continue to be held between Parish Councillors and representatives of the Borough Council. Promoting and maintaining the Borough / Parish Charter, which is an important part of decision-making and proper consultation between the Borough and the Parishes, is a standing item on the agenda.

Complaints on Ethical Standards

The Council monitors complaints received from members of the public in relation to its operation and decision-making. No complaints were received during the 2017/18 Municipal Year that related to the ethical standards of the authority.

Dispensations

Under the arrangements for implementing the Localism Act 2011, the Council has previously agreed that the role of granting dispensations should be delegated to the Standards Committee. At its meeting on 7th November 2016, the Committee authorised the Director of Law and Democratic Services to grant any applications for a dispensation in relation to any meeting at which any matter which has a bearing on the setting of the discounts and exemptions for Council Tax is being or is due to be considered until 6th November 2020. Dispensations are granted in consultation with the Chair of the Standards Committee.

Following the Local Government election in May 2018, the seven newly-elected members applied for dispensation and these were subsequently granted by the Director of Law and Democratic Services in consultation with the Chair of the Standards Committee. The dispensations will be valid until 6th November 2020, in line with the period of dispensation already made to existing members of the Council.

The Committee also noted that the Director of Law and Democratic Services, in consultation with the Chair of the Standards Committee, would continue to be authorised to grant applications for urgent dispensations on any subject matter in between meetings of the Committee, with any such dispensations granted being reported to the next scheduled meeting. The Committee also asked the Director of Law and Democratic Services to advise the Town and Parish Clerks of the need to arrange similar applications and determination of dispensations in respect of Town and Parish Councillors setting Parish budgets and precepts.

Summary

The Standards Committee has continued to use its best endeavours to promote and monitor ethical standards in the authority and within local Parish Councils. It has actively supported a comprehensive review of codes of conduct and behavior and through the promotion of ethical training for Borough and Parish Councillors has undoubtedly enhanced the public perception of the Council's openness, accountability and probity, in its own work and in its joint working with partners and stakeholders.

The Committee has continued to monitor and review the Council's ethical framework, in conjunction with stakeholder and local community groups, to ensure that good governance is maintained and to protect the reputation of the authority.

Article 9 – The Standards Committee

9.01 Composition

- (a) **Membership.** The Standards Committee will be composed of
- at least six Councillors (who may not be the Mayor, the Leader of the Council or the Leader of any other political group on the Council or a Cabinet Member);
 - up to two co-opted members who are not councillors or officers of the Council, and have not been so during the previous 5 years, and are not a close relative or friend of a councillor or officer of the Council (lay members).
 - up to two people who are members of any parish council wholly or mainly in the Council's area (to be nominated by the parish councils within the Borough) who are not also members of the Borough Council (parish members).
- (b) **Lay and Parish Members.** - Lay and parish members will not be entitled to vote at meetings;
- (c) **Quorum.** A quorum shall be three members including at least two councillors

9.02 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members including church and parent governor representatives;
- (b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) recommending training on any aspect of conduct and behaviour for Councillors, and officers, where it considers it would be of benefit;
- (f) approving other codes of conduct and behaviour which apply to Councillors, employees, contractors and any other parties or organisations associated with Council activity (for employees approval will be subject to agreement through recognised negotiating machinery where appropriate).

- (g) receiving from the Council's Monitoring Officer details of all allegations of any breach of the Code of Conduct;
- (h) determining any matters which may be referred to it by the Monitoring Officer or which may arise under consideration of complaints as to breaches of the Members Code of Conduct or the Protocol for Member / Officer Relations or any Code or Protocol applying to Members and Co-opted Members;
- (i) supporting the Council's Monitoring Officer in discharging his/her role;
- (j) granting dispensations to councillors and co-opted members, including church and parent governor representatives, arising from requests relating to interests set out in the Members Code of Conduct and/or under section 33 of the Localism Act 2011;
- (k) exercising (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (l) ensuring the Council's Customer Feedback Policy operates effectively in relation to standards of conduct and behaviour of staff and in particular the Standards Committee may
 - receive an annual report on its operation
 - receive monitoring reports on complaints in relation to standards of conduct and behaviour that have resulted in a final warning to a member of staff
 - adjudicate upon all complaints which remain unresolved
 - require Service Managers to report upon any areas of activity which may have been the subject of criticism in respect of standards of conduct and behaviour;
- (m) reporting to the Council when it considers:-
 - standards of conduct and behaviour in a particular area need reviewing, and
 - the level of commitment necessary to resolve these difficulties should be greater;
- (n) approving the Council's anti-fraud strategy and whistle-blowing procedures and ensure they operate effectively;
- (o) recommending to the Council the payment of compensation or the taking of any other action relating to standards of conduct and behaviour where this is considered appropriate;
- (p) reporting to the Council, should it deem it necessary, on the result of any investigation into the standards of conduct and behaviour of a Member; and
- (q) approving procedures associated with the appointment of an independent remuneration panel for Councillors' Allowances.

9.03 **Advice and Procedure**

The Council's Monitoring Officer or his/her nominee will act as Clerk to the Committee.

The Committee will adopt such procedures as it considers necessary to discharge its role and appoint such sub-committees or Panels as it thinks fit, including an Assessment or Hearings Panel as required.

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