

# Ethical Framework Update

**Standards Committee**

**Date: 2<sup>nd</sup> July 2018**

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Author: Director of Law and Democratic Services

Wards: All

Parishes Affected: All

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## **1. Purpose and Reasons**

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

## **2. Recommendations**

The Committee is recommended to:

- 2.1 Note the Ethical Framework update, including: dispensations granted to members of the Borough Council; the co-option of Parish Representatives on to this Committee; the appointment of Independent Persons; the Summary of Code of Conduct complaints; the latest position regarding councillor induction, training and development within the Borough; the latest position regarding the Register of Interests for all Borough Councillors; and the two reports from the Committee on Standards in Public Life regarding Ethical Standards for Providers of Public Services and Intimidation in Public Life.
- 2.2 Review the draft Annual Governance Statement and identify any additional significant control issues that it would like to be considered for inclusion in the Statement, prior to sign off by the Leader and Chief Executive in September 2018.
- 2.3 Endorse the appointment of Ms Michelle Howard as a representative of the Voluntary and Community Sector on the Independent Remuneration Panel on Councillors' Allowances for a period of four years, ending in July 2022.

## **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 7<sup>th</sup> November 2016, the Standards Committee authorised the Director of Law and Democratic Services to grant any applications for a dispensation on the subject matter of Council Tax for a four year period. Dispensations are granted in consultation with the Chair of the Standards Committee and are reported back to the next available meeting.

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- 3.3 Also at its meeting on 7<sup>th</sup> November 2016, the Standards Committee authorised the Director of Law and Democratic Services, in consultation with the Chair of the Standards Committee, to grant applications for urgent dispensations on any subject matter in between meetings of this Committee. Any such dispensations to be reported to the next scheduled meeting of this Committee.
- 3.4 Several new members have joined the Council since the election in May 2018. A list of members who have applied for a dispensation is attached at Appendix 1.

## Membership of the Standards Committee – Parish Representatives

- 3.5 The Wiltshire Association of Local Councils Swindon Area Committee has advised that the existing Parish Council representatives on the Standards Committee, Messrs Mike Compton (Blunsdon) and Richard Hailstone (Haydon Wick), were again nominated for membership of the Committee and they were duly appointed to serve on the Committee for the Municipal Year 2018/19 by Council at its Annual Meeting on 18<sup>th</sup> May 2018.

## Independent Persons

- 3.6 Following interviews for the two positions, which took place on 3<sup>rd</sup> April, 18<sup>th</sup> April and 23<sup>rd</sup> April 2018, the interview panel put forward Messrs Paul Morris and Keith Strickland who were duly appointed to the position of Independent Persons at the Annual Meeting of the Council on 18<sup>th</sup> May 2018 for a period of four years ending in May 2022.

## Draft Annual Governance Statement

- 3.7 The Annual Governance Statement (AGS) is the formal statement that recognises, records and publishes an authority's governance arrangements. It is designed not only to give an opportunity for authorities to consider the robustness of the Council's governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.
- 3.8 The Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework for Delivering Good Governance in Local Government. The AGS explains how the Council has complied with the local code and also meets the requirements of the Accounts and Audit Regulations 2015 in relation to the publication of an annual governance statement.
- 3.9 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 Council must ensure

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that it can provide evidence for any of the systems of internal control included in the AGS.

- 3.10 CIPFA/SOLACE has issued guidance '*Delivering good governance in Local Government*' which came in to effect from 1st April 2016 and will impact on the AGS for 2017/18. The revised guidance requires more focus in the Statement to be on outcomes and value for money.
- 3.11 The draft Annual Governance Statement is set out in Appendix 2 to this report.
- 3.12 As part of the document the Council must identify any areas of significant governance or internal control issues that have occurred during 2017/18. Potential areas for inclusion were discussed at Corporate Management Team and with the Council's Monitoring officer and Chief Finance Officer. This included a review of last year's statement and agreeing whether any issues raised for 2016/17 could be taken off and whether any new issues needed to be included.
- 3.13 Audit Committee agreed at its meeting on 5th June that the following issues could be removed from the statement:
  - 3.13.1 Transfer of staff from SEQOL
  - 3.13.2 Parishes
  - 3.13.3 Housing maintenance contract management
- 3.14 Audit Committee agreed that further progress was still required in the following areas before they can be taken off the statement:
  - 3.14.1 Information Governance and Security
  - 3.14.2 GCSE attainment
- 3.15 Audit Committee also agreed three new areas for inclusion in the statement for 2017/18:
  - 3.15.1 Financial stability and the Swindon Programme
  - 3.15.2 Children services
  - 3.15.3 Premises management
- 3.16 The Council also recognises that there has been significant changes to its senior management including at Corporate Management Team including new a Corporate Director: Resources and Growth; Corporate Director: Children and a new Corporate Director: Communities and Housing as well as the retirement of the Chief Executive, in addition to a number of Heads of Service leaving the Council.
- 3.17 Following approval by the Audit Committee at its meeting on 5<sup>th</sup> June 2018, and, subject to any recommendations this Committee might wish to make on the inclusion of additional significant control issues, the Annual Governance

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Statement will be signed off by the Leader of the Council and the Chief Executive.

### Independent Remuneration Panel - Membership

- 3.18 The Standards Committee is responsible under Article 9 of the Council's Constitution for overseeing and approving the composition and appointments procedures associated with the establishment and maintenance of the Independent Remuneration Panel (IRP) on Councillors' Allowances.
- 3.19 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 the Education, Business and Voluntary / Community Sectors 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.
- 3.20 The current membership of the Panel is:

Member	Capacity	Term of Office	Expiry date
Mr Keith Strickland (Chair)	Lay Member	3 years	March 2020
Mr Ram Thiagarajah	Lay Member	3 years	November 2020
Mr David Body	Lay Member	3 years	October 2019
Mr John Dernie	Business Sector Representative	4 years	April 2022
Mr Gus Strang	Education Sector Representative	4 years	October 2019
(NB Mrs Wendy Hall remains in post until a replacement has been appointed)	Voluntary / Community Sector Representative	4 years	July 2022

- 3.21 Following the recruitment process undertaken during March and April 2018, the interview panel have put forward Ms Michelle Howard to be appointed as the Voluntary and Community Sector representative.
- 3.22 The Committee is asked to appoint Ms Howard to the Panel for a period of four years, ending in July 2022.

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### Summary of Code of Conduct Complaints

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

Year	Complaints	No Further Action	Referred for Investigation	Referred for Monitoring Officer or other Action	Breach following hearing	No action following referral	Local Resolution
2008/09	14	13	1	0	1	0	N/A
2009/10	7	5	2	1	1	1	N/A
2010/11	12	8	4	4	0	4	N/A
2011/12	10	8	2	2	0	2	N/A
2012/13	5	5	0	0	0	0	N/A
2013/14	14	11	3	1	0	1	2
2014/15	5	5	0	1	0	0	0
2015/16	4	4	0	2	0	0	0
2016/17	1	1	0	1	0	0	0
2017/18	36	27	8	4	TBC	TBC	1

### Induction Training

- 3.24 Six councillors newly-elected in May 2018 had not previously been members of Swindon Borough Council (Cllrs Claire Crilly, Janine Howarth, Imtiyaz Shaikh, Roger Smith, Andrew Spry and Rahul Tarar). One councillor was elected who had previously been a member of the Borough Council (Cllr Brian Mattock).
- 3.25 An induction session was held on 8<sup>th</sup> May 2018 to welcome them to the Council. They met the Chief Executive and other senior officers, and received an introduction from the Monitoring Officer to the Ethical Framework, covering Ethics and Probity, Code of Conduct and Register of Interests matters.
- 3.26 A second induction session was held on 9<sup>th</sup> May 2018 at which they heard hints and tips from serving councillors, and received an introduction to Customer Services and the Members Hotline. The Monitoring Officer also provided further

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training on Corporate Governance and the Constitution, and the rules, protocols and conduct of Full Council meetings.

- 3.27 An individual session was held with the Monitoring Officer for the only newly elected councillors who had been unable to make the group sessions.
- 3.28 Further induction sessions relating to the regulatory Committees have also taken place (Licensing on 21<sup>st</sup> May 2018, Planning on 22<sup>nd</sup> May 2018 and Education Transport Appeals on 23<sup>rd</sup> May 2018).

## Member Training – General

- 3.29 Attached at Appendix 3 are the details of the training and development events planned for the 2017-18 Municipal Year. A log of member attendance at these events will be kept and reported to this Committee at a future meeting.
- 3.30 A report was considered by the Member Development Advisory Group at its meeting on 6<sup>th</sup> March 2018 on member learning and development, and they considered the feedback that had been received on the member training sessions held during the previous Municipal Year. This Committee has indicated that it would also wish to receive this feedback, and the collated information can be found in Appendix 4. Feedback from events held in the current Municipal Year will be available following the next meeting of the Member Development Advisory Group on 3<sup>rd</sup> October 2018.
- 3.31 The Advisory Group will also be working on enhancing the overview and scrutiny training on offer at the Council.
- 3.32 The Committee is reminded that, at present, a number of sessions are held by the Monitoring Officer each year around the parishes to train parish councillors on the ethical framework, decision-making and chairing skills. Borough Councillors who are also parish councillors attend. The next session planned for Code of Conduct training is taking place on 2<sup>nd</sup> July 2018.
- 3.33 In addition, 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.
- 3.34 At the last meeting of this Committee, members expressed concern at the low attendance figures of councillors at training session. Members are invited to discuss ways of improving attendance which will be submitted to the Member Development Advisory Group for consideration.

## Register of Interests

- 3.35 At the May 2018 election, 19 councillors were either newly elected or re-elected to the Council. All 19 are expected to complete a new Register of Interests form for publishing to the Council's website, and for public viewing upon request.



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- 3.36 At the time of writing this report, 5 of the 19 councillors had yet to complete a new form and return it to the Monitoring Officer. Reminders have been sent and responses are expected shortly.
- 3.37 The annual check to all councillors asking them to review the current copy of their form in the Register has also just been undertaken. Any responses received are logged, and the Register updated accordingly.

## Committee on Standards in Public Life

- 3.38 After the government decided in 2013 to expand the remit of the Committee to include public service providers, the Committee on Standards in Public Life produced its first report on the issue of Ethical Standards for Providers of Public Services in 2014. That report made a series of recommendations on how the Cabinet Office and all government departments could reinforce the Seven Principles of Public Life with service providers.
- 3.39 On 10<sup>th</sup> May 2018 the Committee published a report charting progress against its 2014 recommendations in the new environment in which public service delivery is evolving, including changes to the market and changes to the civil service arising from the planned withdrawal from the European Union. In the report, the Committee finds that the government has made some improvements in how it manages the ethical conduct of contractors as part of a broader maturing of outsourcing practices. But in most other areas there has been little progress in adopting the Committee's recommendations.
- 3.40 The Committee makes a further set of recommendations to the Minister for the Constitution, the Cabinet Office, HM Treasury and Civil Service Learning and all government departments, their permanent secretaries and boards as well as to those in professions who scrutinise government spending and accounts.
- 3.41 This Committee is asked to note the report attached at Appendix 5.
- 3.42 In recent years, the intimidation experienced by Parliamentary candidates, and others in public life, has become a threat to the diversity, integrity, and vibrancy of representative democracy in the UK. On 13<sup>th</sup> December 2017 the Committee on Standards in Public Life reported its review of intimidation in public life, making a package of recommendations for action to government, social media companies, political parties, the police, broadcast and print media, and MPs and Parliamentary candidates themselves.
- 3.43 This Committee is asked to note the report attached at Appendix 6, and the Government's response to the review in March 2018 attached at Appendix 7.

## **4. Alternative Options**

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

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## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

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

### Legal and Human Rights Implications

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

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

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

### Diversity Impact Assessment

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

### Risk Management

- 5.5 A risk assessment has not been completed 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.

## **6. Consultees**

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None.

## **8. Appendices**

- 8.1 Appendix 1 – List of Councillors applying for a Dispensation May 2018.
- 8.2 Appendix 2 – Draft Annual Governance Statement 2017-2018.
- 8.3 Appendix 3 – Member Training Programme 2017-2018.
- 8.4 Appendix 4 – Member Training Sessions Feedback Evaluation 2017-2018.



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- 8.1 Appendix 5 – The Continuing Importance of Ethical Standards for Public Service Providers (*circulated to Committee members under separate cover and available on the Council's website at:*  
<http://sbcvpwmmgv02:9070/ieListDocuments.aspx?CId=282&MId=9436&Ver=4>).
  - 8.2 Appendix 6 – Intimidation in Public Life: A Review by the Committee on Standards in Public Life (*circulated to Committee members under separate cover and available on the Council's website at:*  
<http://sbcvpwmmgv02:9070/ieListDocuments.aspx?CId=282&MId=9436&Ver=4>).
  - 8.3 Appendix 7 – The Government's response to the Committee on Standards in Public Life Review of Intimidation in Public Life (*circulated to Committee members under separate cover and available on the Council's website at:*  
<http://sbcvpwmmgv02:9070/ieListDocuments.aspx?CId=282&MId=9436&Ver=4>).